

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26132 of 2025

Arising Out of PS. Case No.-897 Year-2023 Thana- MANER District- Patna

1. Vikash Kumar, Son of Rajeswar Rai, Resident of village - Mahinawan, Police Station - Maner, District - Patna.
2. Abhay Kumar @ Yogi, Son of Rajeswar Rai, Resident of village - Mahinawan, Police Station - Maner, District - Patna.
3. Makhkhu Kumar @ Raj Kumar, Son of Barphi Rai, Resident of village - Mahinawan, Police Station - Maner, District - Patna.
4. Parduman Kumar, Son of Barphi Rai, Resident of village - Mahinawan, Police Station - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard Mr. Sunit Kumar Srivastava, learned Advocate appearing on behalf of the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Maner P.S. Case No. 897 of 2023, registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. Allegedly on the fateful day all the petitioners caught hold the grandson of the informant and brutally assaulted him and also snatched Rs. 15,000/-. It is further alleged that



when the said occurrence was protested, all the petitioners again rushed to the house of the informant in the evening and assaulted Akshay Kumar, Meghnath Rai and Amit Kumar, causing serious injuries.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended that apart from the fact that there is case and counter case, both the parties are close agnates and on account of a trifle they entered into a scuffle, resulting into injuries to persons of both the side. There is omnibus allegation against all the persons, moreover, none of the person has sustained any grievous injury, as is evident from the impugned order. It is fairly contended that so far petitioner no. 2 is concerned, he bears three criminal antecedent, but all are of 2012 and 2019 and he is on bail. So far the other petitioners are concerned, they are having fair antecedent. It is lastly contended that be that as it may, now good sense have prevailed between the parties and they have compromised the matter and they do not want to proceed any further.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that so far the compromise between the parties is concerned, the offence is



not compoundable in view of the fact that FIR has been instituted under Section 307 and other allied sections of the Indian Penal Code and the petitioner no. 2 bears three criminal antecedent, apart from their active participation in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case and the omnibus nature of allegation coupled with the fair antecedent of the petitioner nos. 1, 3 and 4, let the petitioner nos. 1, 3 and 4 above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate, First Class, Danapur in connection with Maner P.S. Case No. 897 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

7. So far the petitioner no. 2 is concerned, considering his criminal antecedent, this Court is not inclined to accord the privilege of anticipatory bail. Let the petitioner no. 2 be



surrendered before the Court below preferably within a period of four weeks from today. In case the petitioner no. 2 abide by the order of this Court, the learned Court below shall consider the prayer for bail of the petitioner no. 2, without being prejudice by the present order.

(Harish Kumar, J)

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