

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31007 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- Kavaiya District- Lakhisarai

1. Pawan Kumar @ Badal Ram, S/O Hira Ram, R/O Village- Vyayamshala Gali, Chhoti Kabaiya, Ward No.-25, P.S- Kabaiya, Distt.- Lakhisarai.
2. Kundan Kumar, S/O Ashok Ram, R/O Village- Vyayamshala Gali, Chhoti Kabaiya, Ward No.-25, P.S- Kabaiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kabaiya P.S. Case No. 240 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 351, 352, 303(2), 109(1), 191(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day all the FIR named accused persons including the petitioners in the backdrop of land dispute started abusing the informant. It is further alleged that co-accused Prince Kumar and Chandan Kumar have assaulted the informant by means of iron rod, due to which he



sustained serious injury. There is allegation of misbehaving with the women and snatching of valuables.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended that there is no allegation of any overt act against the petitioners, save and except the petitioners being named in the case, there is no whisper as to what role they have played. The genesis of the occurrence is admittedly a land dispute between the parties, leading to institution of case and counter case being Kabaiya P.S. Case no. 241 of 2024 registered by co-accused Hira Ram against the son of the informant and others. It is further submitted that so far the injuries sustained to the informant is concerned, the same has been found to be simple in nature. Taking note of the aforesaid facts, co-accused Chandan Kumar and Pankaj Kumar have been accorded privilege of anticipatory bail by a Bench of this Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the factum of case and counter case, coupled with the fair



antecedent and the case of the petitioners based on parity, let the petitioners 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 Chief Judicial Magistrate, Lakhisarai in connection with Kabaiya P.S. Case No. 240 of 2024, 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.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

