

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28091 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- KORMA District- Sheikhpura

Mukesh Kumar @ Mukesh Kumar Saw S/o Shukar saw R/o vill - Jagdishpur,
P.S. - Korma, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Bipin Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Anil Kumar Singh No. 1,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Korma P.S. Case No. 19 of 2025 registered under Sections
126(2), 115(2), 117(2), 109, 303(2), 352, 351(2), 3(5) of the
BNS.

3. As per the allegation made in the FIR, the petitioner
along with other co-accused assaulted and misbehaved with the
informant and her family members.

4. Learned counsel appearing on behalf of the
petitioner submitted that specific allegation against the
petitioner is that he had assaulted the informant's brother-in-law
on his head by means of lathi and rod and the informant's



brother-in-law sustained injury, however, the allegation against the petitioner cannot be sustained in view of the fact that there is case and counter case between the parties, arising out of same incidence, for which Korma P.S. Case no.19 of 2025 was lodged by the petitioner's side. Learned counsel further submitted that the petitioner, in his self-defense, may have caused some injury on the person of the informant and her brother-in-law, without intention. The injury sustained by the said brother-in-law of the informant is simple in nature and injury sustained by the husband and mother-in-law of the informant is reserved. The petitioner has clean antecedent. Both the sides sustained injuries. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having perused the FIR, as well as, the fact that there is a case and counter case between the parties, arising out of the same incidence, which shows that there was free fight and in the same course of incidence, the petitioner may have caused some injuries on the person of the informant's brother-in-law, which may be without intention and the petitioner is having clean antecedent, I am of the opinion that the petitioner has,



prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate-Ist Class, Shekhpura in connection with Korma P.S. Case No. 19 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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