

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33058 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Kunal Singh @ Randhir Pratap Singh S/o Rameshwar Narayan Singh @
Chhedi Singh Resident of Village - Tharbitiya, Police Station- Pakaridayal,
District- East Champaran at Motihari. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Pakaridayal P.S. Case No. 36 of 2024, registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 326, 379, 452, 504 and 307 of the IPC.

3. The allegation against the petitioner is to assault
informant and his son along with seven named and ten unknown
co-accused persons, causing bodily injuries, where assault alleged
to be committed by using knife, after criminal trespass in the
house of the informant with intention to commit murder of brother
of the informant, namely Pankaj Kumar Tiwari.

4. It is submitted by learned counsel appearing for the
petitioner that allegation as to inflict knife injury is available



against co-accused Rana Pratap Singh to cause injury on lower lip of son of the informant, namely, Ashutosh Kumar. It is submitted that the allegation *qua* physical assault is very much general and omnibus against petitioner and he was implicated with present case out of local differences and village politics. It is submitted that informant was not examined medically and, moreover, the nature of injury as inflicted upon the son of the informant found single and on non vital part of the body. It is submitted that as petitioner found involved in five criminal cases, for sole reason, his anticipatory bail was rejected by learned trial court, where out of five criminal cases in one case he has already been acquitted whereas in rest of the four cases he is on bail. It is submitted that if merit of the case otherwise appears in favour of petitioner, merely for sole reason of criminal antecedents, prayer of bail of petitioner should not be ordinarily denied and in support of this submission, learned counsel relied upon the legal report of Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of Uttar Pradesh and Anr.*** Reported in ***(2020) 11 SCC 648.***

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the allegation *qua* physical assault is appearing very much general and omnibus against petitioner,



rather same was available against co-accused Rana Pratap Singh, who is son of the informant, coupled with fact that the informant was not medically examined in the background of allegation of physical assault, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, East Champaran at Motihari/concerned Court, where the case is pending in connection with Pakaridayal P.S. Case No. 36 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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