

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32123 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- KHAIRA District- Saran

Vishal Kumar S/o Shyam Bihari Ray R/o Village- Khaira Hareram Tola, P.S.-
Khaira, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Khaira P.S. Case No. 249 of 2024, corresponding to G.R.
No. 9850 of 2024, registered for the offences punishable under
Sections 126(2), 115(2), 109 and 3(5) of the BNS, 2023.

3. Allegedly, on the fateful day, while the nephew of
the informant along with his friends went to *Khaira* market to
see the fair, in the meanwhile, on account of some trifle, the
petitioner along with three other accused persons started
assaulting his nephew, due to which he sustained serious injury
over his head. The injured was referred to Sadar Hospital and
later on to PMCH, where his condition was found to be critical.

4. Learned Advocate for the petitioner contended that



that admittedly on account of a trifle, the occurrence took place, wherein omnibus allegation has been levelled against four of the accused persons, including the petitioner, of causing assault by means of bricks and rod. The petitioner has not been attributed any specific allegation of assault. Later on, taking note of the fact that the petitioner has not actively participated, the parties have compromised the matter. The petitioner has also sustained injuries and he was brought to the hospital, where his statement was recorded by the police on 15.10.2024, though the injury of the petitioner has been found to be simple in nature. There is a counter version of the present case being Khaira P.S. Case No. 250 of 2024, against the informant and others. In fact, on the alleged date of occurrence, some scuffle took place between the parties, leading to injuries to persons of both the sides.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that because of the assault being made by the petitioner and others, the nephew of the informant has sustained grievous injury.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the factum of



case and counter case and the submission of the petitioner to the extent of compromise between the parties, let the petitioner above named be released on bail, in the event of his 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 J.M. 1st Class, Saran at Chapra in connection with Khaira P.S. Case No. 249 of 2024, corresponding to G.R. No. 9850 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik 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)

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