

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34459 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- JAMOBABAZAR District- Siwan

1. Sudershan Prasad @ Sudershan Kumar S/o Shanker Prasad Resident of village-Dumra Bazar, PS- Jamo Bazar, Dist- Siwan
2. Munna Prasad @ Munna Kumar S/o Shanker Prasad Resident of village-Dumra Bazar, PS- Jamo Bazar, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rizwanul Jama Khan

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Jamo Bazar P.S. Case No. 85/2025 registered for the offences punishable under Sections 126(2), 115(2), 118, 109, 352, 351(3), 3(5) of the B.N.S.

3. As per prosecution case, petitioner no.1 is said to have caught hold the informant's son and it is alleged that petitioner no.2 is said to have assaulted the informant's son by means of sword on his head as a result of which he sustained injury on the head. It is further alleged that the petitioners are said to have pushed the informant on the ground.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioners. He further submits that there is case and counter case between both the parties. The allegation against the petitioner no.1 are general and omnibus in nature and there is no allegation of repetition of assault against petitioner no. 2. He further submits that, though, there is allegation of assault against petitioner no. 2 by means of sword but the same is not consistent with the injury report as the injury report clearly indicates that the injury is simple in nature caused by hard and blunt substance. He further submits that alleged occurrence was not premeditated or planned but a sudden altercation arose between the parties which cannot satisfy the ingredients required for constituting an offence under Section 109 of B.N.S.

5. The learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against petitioner no.2 who is said to have assaulted the informant's son by means of sword upon his head and the same is corroborated by the injury report. Hence, the petitioners



do not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in connection with Jamo Bazar P.S. Case No. 85/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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