

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36092 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

Kunal Kumar, Male, aged about 35 Yrs., Son of Bishwanagth Singh,
Resident of village - Dihari, P.S.- I.I.T. Amhara, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 25-06-2025 Heard Mr. Sarvan Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Tapeshwar Sharma, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with I.I.T. Amahara P.S. Case No. 36/2025 registered for the
offence(s) punishable under Sections 126(2), 115(2), 118(1),
109/3(5) of the BNS and Section 37(c) of the Bihar Prohibition
and Excise Act.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioner and four
unknown persons have assaulted the brother of the informant.
Specific allegation is against co-accused Amod Kumar @
Pawan Kumar, who has stabbed in the stomach of the brother of
the informant and other accused persons surrounded him.

4. Learned counsel appearing on behalf of the
petitioner submitted that general and omnibus allegation has



been levelled against the petitioner and specific allegation is against co-accused Amod Kumar @ Pawan Kumar, who has stabbed in the stomach of the brother of the informant, causing grievous injury. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Mr. Ravi Shankar, learned counsel has tendered his appearance on behalf of the informant and has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. Referring to the observation made by the learned District Judge in the impugned order dated 06.05.2025, he has submitted that petitioner has played an active role in commission of the alleged occurrence in which grievous injury has been caused to the brother of the informant. Based on paragraph nos.52 and 78 of the case diary, the involvement of the petitioner cannot be denied from the alleged offence.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, allegation made in the FIR and having perused the impugned order, I find that in the impugned order the learned District Judge has specifically noted that co-accused Amod Kumar @ Pawan Kumar has stabbed the brother



of the informant and against there is general and omnibus allegation against the petitioner. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with I.I.T. Amhara P.S. Case No. 36/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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