

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36874 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- SARSI District- Purnia

Shivam Kumar Son of Dilip Kumar Yadav Resident of Village- Jhowari, P.S.-
Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-06-2025 Heard Mr. Bhola Prasad, learned counsel appearing
on behalf of the petitioner and Mr. Ajay Kumar No. 2, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Sarai P.S. Case No. 240 of 2024 registered under Sections
126(2), 115(2), 110, 303(2), 352, 351(1), 3(5) of the Bharatiya
Nyaya Sanhita.

3. As per the allegation made in the FIR, the petitioner
along with another co-accused person namely, Binay Kumar
assaulted the informant on his head, causing injury.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in the present case. Learned Counsel
further submits that the petitioner has been dragged in a false



case as there is no eye witness and no such incident has occurred in which the informant has sustained injury.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that scuffle took place in the mid night for the parking of a vehicle, in which, the petitioner may have caused some injury to the person of the informant in his self defence without any intention to kill. Petitioner has clean antecedent. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory 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 Chief Judicial Magistrate, Purnia in connection with Sarsi P.S. Case No. 240 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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)

Sudhanshu/-

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