

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38355 of 2025

Arising Out of PS. Case No.-683 Year-2024 Thana- ISLAMPUR District- Nalanda

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1. Sadan Kumar, Son of Kamal Prasad, R/o Village Sobha Bigha, PS Khudaganj , Distt.- Nalanda
 2. Dhirendra Kumar, Son of Late Dharmendra Prasad, R/o Village Rupaspur, PS Khudaganj, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. At the outset, learned Advocate for the petitioner submitted that during the pendency of the application, petitioner no. 1 got arrested and, as such, he is not pressing application on his behalf.

3. The petitioner no. 2 apprehends his arrest in connection with Islampur P.S. Case No. 683 of 2024, registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 115(2), 117(2), 109, 303(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita.



4. Allegedly on the fateful day while the informant was going on his vehicle alongwith two other persons, in the meanwhile, 6 named and 5 unknown accused persons including the present petitioner came there on motorcycle and intercepted them. On facing such threat, two persons who were sitting with the informant fled away from the place of occurrence and thereupon, all the accused persons including the petitioner brutally assaulted. It is specifically alleged that it is the petitioner on whose exhortation all the accused persons have assaulted him.

5. Learned Advocate appearing on behalf of the petitioner no. 2 submitted that in fact, the present case has been filed with a view to save the skin of the informant's cousin, who was involved in an accident with Scorpio vehicle on 29.11.2024 for which Khudaganj P.S. Case No. 153 of 2024 dated 29.11.2024 was lodged by the petitioner. In the said incident the father of the petitioner no. 2 died on the spot. It is further contended that co-accused Niwas Kumar @ Sri Niwas Kumar against whom there was allegation that he caught hold the neck of the informant, has been extended the privilege of anticipatory bail by a Bench of this Court in Criminal Miscellaneous No. 16016 of 2025, the copy of which is marked as Annexure 3 to



the bail application. Taking this Court through the FIR, it is lastly contended that there is no specific allegation of any overt act against the petitioner, save and except, he may be said to be an order giver; moreover, he has absolutely fair antecedent.

6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that because of the assault being made upon the informant, he has sustained grievous injury as is evident from the paragraph no. 83 of the case diary.

7. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the role assigned by the petitioner no.2, coupled with the genesis of the occurrence, as also the submission of the petitioner no.2 that his case stands on identical footing to that of co-accused person, who has been accorded the privilege of anticipatory bail, let the petitioner no. 2 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 Additional Chief



Judicial Magistrate 1st Hilsa (Nalanda) in connection with Islampur P.S. Case No. 683 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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