

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38591 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- BACHHWARA District- Begusarai

Adars Kumar, S/o Late Jagarnath Ray, R/o Village- Chamatha, Ward No. 7,
Police Station- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, 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. The petitioner apprehends his arrest in connection
with Bachhwara P.S. Case No. 393 of 2024, registered for the
offences punishable under Sections 103(1), 115(2), 351 and 3(5)
of the Bharatiya Nyaya Sanhita.

3. Allegedly on the fateful day all the FIR named
accused persons including the petitioner arrived at the
informant's house during the Tilak Ceremony and started
abusing. Anyhow, they were pacified and returned from there,
but they started breaking the shutter of the informant's nephew
shop. On information, when the informant alongwith his son
Manish Kumar, Rahul Kumar and Ankit Kumar reached at the
spot, the accused persons assaulted them with bricks, stone and



lathi. On account of the assault, victim Manish Kumar succumbed to the injuries.

4. Learned Advocate appearing on behalf of the petitioner submitted that besides the omnibus nature of allegation against all the ten named accused persons including the petitioner, the informant categorically disclosed that it is one Rajnish Kumar who has given the fatal brick blow. Moreover the post mortem report of the deceased also suggest only one external injury on the scalp, which also corroborate the allegation. He further submits that in fact on account of brick batting, unfortunate injuries has been caused to the son of the informant, leading to his death and only on account of the presence of the petitioner with others, his name has been implicated in this case. Taking note of the aforesaid facts, other co-accused persons namely Aman Kumar and Kari Ray have been extended the privilege of anticipatory bail by a Bench of this Court in Criminal Miscellaneous No. 12030 of 2025 and further in Criminal Miscellaneous No. 25699 of 2025, the copies of which have been placed on record as Annexure P/2 series.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that because of the assault being made by all the accused persons including the



petitioner, the son of the informant was done to death.

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 post mortem report which suggest only one injury, that has been attributed against co-accused Rajnish Kumar as also the fact that two of the co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by a Bench of this Court, 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 Judicial Magistrate 1st Class, Teghra, District-Begusarai in connection with Bachhwara P.S. Case No. 393 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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