

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40978 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- AKILPUR District- Saran

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1. Rajeshwar Rai @ Rajeshwar Ray @ Joker, aged about 55 years, Male, S/O Ramekbal Rai
 2. Bittu Rai @ Bittu Kumar, aged about 22 years, Male, S/O Rajeshwar Rai @ Rajeshwar Ray @ Joker
- Both are R/O Village-Purani Panapur, PS-Danapur, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-07-2025 Heard Mr. Braj Nandan Kumar Tiwary learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Akilpur P.S. Case No. 1/2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352 and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner no.1 caught hold the informant and petitioner no.2 allegedly stabbed the informant in his stomach, causing injury.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between



the parties. Petitioner no.1 is own brother of the informant and petitioner no.2 is son of petitioner no.1 and they are residing in the same house and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury on the person of the informant. However, he informs that direct allegation of assaulting the informant with knife is on petitioner no.2.

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 information contained in the FIR and perusal of the impugned order, I find that the injury which has been caused to the informant is 2 x 1 inch deep into the stomach in right side, which is as per allegation is attributable to the petitioner no.2.

7. However, considering the fact that petitioner no.1 is the own brother of the informant and petitioner no.2 is his nephew and there is case and counter case between them and the petitioners have pleaded that they are innocent and may have caused some injury in their-self defence, I **find that the petitioner no.1 has, *prima facie*, made out a case to be released on pre-arrest bail.**



8. The **petitioner no.1, 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Akilpur P.S. Case No. 1/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. So far as **petitioner no.2 is concerned**, the learned District Court is directed to verify from the injury report, as to whether, the injury is simple or grievous in nature. In case the injury is found to be simple, then in that case, the petitioner no.2 would also be released on pre-arrest bail on the similar terms and conditions as imposed to petitioner no.1.

10. **However, if the injury is grievous and dangerous then in that case, on the basis of injury report, the learned District Court may pass appropriate order.**

11. The bail application stands disposed of.

(Purnendu Singh, J)

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