

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41554 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- Arwal District- Arwal

1. Ravi Kumar, Son of Pappan @ Pappan Prasad Resident of Village - Janakpur Dham, P.S.- Arwal, District - Arwal.
2. Anish Kumar @ Dullu, Son of Pappan @ Pappan Prasad, Resident of Village - Janakpur Dham, P.S.- Arwal, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Arwal P.S. Case No. 68 of 2025 dated 28.02.2025 instituted for the offence punishable under Sections 126(2), 115(2), 118(2), 303(2), 109, 352, 351(2), 3 (5) of Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that on the alleged date of occurrence, the informant along with his friend, namely, Bittu Kumar was going to meet his another friend on two motorcycles. In the way, the petitioners and other accused persons armed with rod, khanti etc. intercepted them and demanded ransom. It is alleged that petitioner no. 1 caught Bittu



Kumar while co-accused Chamku Paswan assaulted him on his head by means of rod. Petitioner no. 2 also assaulted Bittu Kumar by means of Khanti. due to which blood was oozing.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegation against the petitioners is that they assaulted on the head of Bittu Kumar by means of rod and khanti, but most of the injuries sustained by him are simple in nature caused by hard and blunt substances. Only injury no. 2 of Bittu Kumar is grievous in nature which is 'Lacerated wound of size 1" x 1/4" x 1/4" and 3/4" x 1/4" x 1/4" on occipital region of skull'. As per the injury report of Chandan Kumar (informant), injury no. 2 is 'Lacerated wound of size 1" x 1/4" x 1/4" on left parietal region of skull' and doctor opined that nature of injury is simple in nature caused by hard and blunt substances. Learned counsel for the petitioners submits that nature of injury no. 2 of informant and Bittu Kumar is similar but the Medical Officer has given different opinion and in case of the informant, it has been stated simple injury while in case of Bittu Kumar, it is grievous. It is further submitted that the family of the petitioners has lodged a criminal case against the informant and his friend Bittu Kumar bearing Arwal P.S. Case



No. 328 of 2019 and due to this previous grudge and enmity, this false case has been lodged against the petitioners. It is further submitted that there is no specific allegation against petitioner no. 1 rather the allegation against petitioner no. 1 is general and omnibus. Lastly, it has been submitted that petitioner no. 2 has no criminal antecedents while petitioner no. 1 has three criminal cases against him..

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Arwal P.S. Case No. 68 of 2025, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal subject to condition as laid down under Section 482(2) of the B.N.S.S., subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two



consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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