

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44429 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- AAYAR District- Bhojpur

1. Kundan Kumar Singh son of Sanjay Kumar Singh village- Dularpur, Ps- Ayar, Dist- Bhojpur
2. Sabita Devi Wife of Sanjay Kumar Singh village- Dularpur, Ps- Ayar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Raj, Advocate
For the State	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Shiv Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Mr. Avinash Raj, learned counsel for the petitioners and Mr. Shiv Prasad Gupta, learned counsel representing the informant beside the learned APP.

2. The petitioners are apprehending their arrest in connection with Ayar P.S. Case No. 35 of 2025 for the offence under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the B.N.S., lodged on 12.04.2025 by the informant, Sushil Kumar Singh.

3. As per the prosecution story, the informant alleged that on 11.04.2025, when he along with his younger brother Rakesh Kumar returned from the S.D.O. Court, Jagdhishpur where the 144 Cr.P.C. proceeding was continuing, the accused



persons abused and later at the instigation of petitioner no.2, Sabita Devi, allegation is that petitioner no.1, Kundan Kumar assaulted him by lathi causing injury on his head. When his brother came to rescue, he was assaulted on the different body parts. As the locals arrived, they were saved which led to the F.I.R.

4. Learned counsel for the petitioners submit that in a rush of blood, the occurrence took place, both the petitioners have no criminal antecedent, petitioner no.1, Kundan Kumar is a student while the petitioner no.2 is lady, it is the undertaking that they may agitate their respective matter in civil dispute, no such incident will take place in future. Last submission is that without accepting the allegation or outcome of the petition both the petitioners intend to pay Rs.20,000/- each totaling (Rs.40,000/-) to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India.

5. Learned counsel representing the informant on the other hand submits that though the injuries have been found to be simple in nature, Sushil Kumar Singh has retired from Indian Army, want to live his life happily in the village but the accused persons keep on creating problems.

6. Learned counsel for the petitioners once again



undertake that they may fight civil dispute, no criminal act shall be done in the future, if granted relief.

7. Taking into account the aforesaid facts as also that the petitioner no.2 is a lady and the petitioner no.1, according to the learned counsel for the petitioners is a student, both have no criminal antecedent, the injuries have been found to be simple in nature, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.20,000/- each totaling (Rs.40,000/-) to the informant by Demand Draft issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara, in connection with Ayar P.S. Case No. 35 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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