

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46841 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- Geedha District- Bhojpur

1. Dhuna Chaudhary @ Dudhnath Chaudhary aged about 70 years (Male) son of Late Sevak Chaudhary
2. Upendra Chaudhary aged about 36 years (Male) son of Gyani Chaudhary. Both resident of village- Payana, Police Station- Gidha, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-07-2025 Heard Mr. Anil Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Gidha P.S. Case No. 97 of 2025, registered for the offence punishable under Sections 127(1), 115(2), 118, 110, 74, 352, 351(2) and 3(5) of the B.N.S.

3. As per the allegation made in the FIR, petitioners along with other co-accused armed with rod and other weapons, with an intention to kill, had assaulted the informant and his family members causing injury.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioners. Both the parties were involved in dispute with respect to construction of wall, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the persons of the informant, without intention. Injuries sustained by the informant side are found to be simple in nature. There is case and counter case between the parties. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that general and omnibus allegation has been levelled against the petitioners. Both the parties were involved in dispute with respect to construction of wall, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the persons of the informant, without intention. Injuries sustained by the informant side are found to be simple in nature. There is case and counter case



between the parties. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Bhojpur at Ara/ court concerned, in connection with Gidha P.S. Case No. 97 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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