IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50063 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- THARTHARI District- Nalanda

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1. Guddu Kumar S/O Umesh Prasad @ Umesh Prasad Yadav R/O Vill.- Narari, P.S.- Tharthari, Dist.- Nalanda.
2. Sintu Kumar S/O Umesh Prasad R/O Vill.- Narari, P.S.- Tharthari, Dist.- Nalanda.
3. Nitish Kumar S/O Umesh Prasad R/O Vill.- Narari, P.S.- Tharthari, Dist.- Nalanda.

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioners : Mr. Shashi Chand Pandey, Advocate
For the Opposite Party : Mr. Kumar Veerendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 17-11-2025 Heard Mr. Shashi Chand Pandey, learned Advocate for the petitioners and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioners submitted that on account of inadvertence in paragraph number 3, criminal antecedents of petitioner No.1 could not be mentioned as petitioner no.1 is facing one criminal antecedent, which fact is also fortified from the impugned order. It is further submitted that the same is a bonafide mistake and thus he apologize for the same.

3. The petitioners apprehend their arrest in connection with Tharthari P.S. Case No. 23 of 2025, registered for the

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offences punishable under Sections 126(2), 115(2), 352, 351(2), 109, 3030(2), 3(5) of the Bhartiya Nyaya Sanhita 2023.

4. Allegedly, on the fateful day, while the informant was present in his house and some construction work under Government scheme with respect to casting of *gali* and drainage was going on, he asked the labourers to level the ground before casting it, upon which the accused persons including the petitioners started abusing him and when the same was protested, the petitioners along with others brutally assaulted him. It is specifically alleged that the petitioner No. 1 and 3 assaulted the informant by means of iron rod over his head due to which he sustained serious injuries. When the daughter of the informant came to his rescue, she was also assaulted by means of brick over her head. Both of them have sustained serious injuries. Besides the aforesaid fact, there is allegation of snatching of valuables.

5. Learned Advocate for the petitioners submitted that from the narration made in the FIR, it is evident that the alleged occurrence took place in the premise of construction of drainage resulting into a free fight between the parties. There is a counter version of the present case being Tharthari P.S. Case No. 24 of 2025 instituted by the petitioners' side against the informant and

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others. So far as the injury sustained to the informant and his daughter is concerned, the same have been found to be simple in nature as is evident from the injury report placed along with case-diary. The petitioners No. 2 and 3 are men of fair antecedent, whereas petitioner no. 1 is having one criminal antecedent over his head. The petitioners undertake that they will fully cooperate in the proceeding of the court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the assault allegedly made by the petitioners and the corresponding injuries clearly suggest their involvement in the crime.

7. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case coupled with the simple nature of injuries, let the petitioners abovenamed be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 23 of 2025, subject to the conditions laid down in Section 482(2) of the

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Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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