

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55260 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- BAKHTIYARPUR District- Patna

1. Sumit Kumar @ Kundan Kumar S/o Ram Babu Ray @ Shyam Babu Prasad Village- Naya Tola, Simri, Bakhatiyarpur, PS- Bakhtiyarpur, Distt.- Patna
2. Ram Babu Rai @ Shyam Babu Prasad S/o Late Dayanand Ray Village- Naya Tola, Simri, Bakhatiyarpur, PS- Bakhtiyarpur, Distt.- Patna
3. Manindra Kumar @ Sunil Kumar S/o Ram Babu Ray @ Shyam Babu Prasad Village- Naya Tola, Simri, Bakhatiyarpur, PS- Bakhtiyarpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-08-2025

Heard Ms. Rashmi Sharma, learned counsel

appearing on behalf of the petitioners and Mr. Tapeswar Sharma , learned APP for the State.

2. At the outset, learned counsel appearing on behalf of petitioners has informed that petitioner no.3, namely Manindra Kumar @ Sunil Kumar has already been arrested and seeks to withdraw the anticipatory bail application filed on behalf of him.

3. Permission is accorded.

4. Petitioner nos.1 and 2 apprehends their arrest in connection with Bakhtiyarpur P.S. Case No. 325 of 2024



registered under Sections 147, 148, 149, 341, 323, 336, 337, 307 of the IPC.

5. As per the allegation made in the FIR, due to dispute relating to passage, the petitioners and the informant assaulted each other due to which both the parties sustained injuries.

6. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties, which is arising out of the same incidence and the petitioners' side lodged an FIR bearing Bakhtiyarpur P.S. Case No. 326 of 2024 against the informant's side. The petitioners and the informant assaulted each other and both the parties sustained injuries. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on bail.

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

8. Considering the allegation made in the FIR, as well as, the fact that there case and counter case between the parties which is arising out of the same incidence and the petitioners and the informant assaulted each other due to dispute related to passage and both the parties sustained injuries, the petitioners are having clean antecedent, I am of the opinion that the



petitioner nos.1 and 2 have, *prima facie*, made out a case to be released on anticipatory bail.

9. The learned District Court is directed to release the petitioner nos.1 and 2 on anticipatory 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. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – III, Barh/successor Court in connection with Bakhtiyarpur P.S. Case No. 325 of 2024, subject to the condition as laid down under Section 482 of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner nos.1 and 2, 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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