

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55682 of 2025**

Arising Out of PS. Case No.-513 Year-2024 Thana- RUPASPUR District- Patna

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1. Sunny Kumar, aged about 27 years, Gender, Male, S/O Suraj Kumar
  2. Sahil Kumar @ Sahil @ Prahalad Kumar, aged about 21 years, Gender, Male, S/O Suraj Kumar
- Both are Resident of Taha Tola, PS- Rupaspur, district- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Lovely Kumari, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      09-09-2025                      Heard Ms. Lovely Kumari learned counsel appearing on behalf of the petitioners and Mr.Md. Ataur Rahman/, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Rupaspur P.S. Case No. 513 of 2024 registered for the offence(s) punishable under Sections 126(2),115(2),109(1),3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioners in an inebriated condition assaulted the informant by means of brick on his head with an intention to kill.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they are



own brothers and due to previous enmity, informant, who is their cousin brother, have implicated them on the basis of false accusation. Petitioner no.1 has clean antecedent, while petitioner no.2 has two criminal antecedents, in which, he is on bail. On these ground, 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. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it appears that the petitioners have overpowered the informant and assaulted him in an inebriated condition. Both the petitioners are own brothers. From perusal of the impugned order, I find that there is no description of nature of injury sustained by the informant, whether it is grievous or simple in nature, though it is on the vital part of the body. In view of the information that petitioner no.1 has clean antecedent and against petitioner no.2, two criminal cases are pending and at the same time, the allegation is general and omnibus, not attributable to any of the petitioners but their action leads this Court to give benefit of doubt to both the petitioners, **subject to the opinion of the doctor in respect of the injury which has been caused to the informant. If the**



**injury sustained on the person of the informant is simple in nature, then in that case, 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, Patna in connection with Rupaspur P.S. Case No. 513 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. The bail application stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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