

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63862 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- TELHARA District- Nalanda

1. Saurav Kumar Son of Ashok Kumar @ Ashok Singh Resident of Village - Libri, Police Station - Telhara, District - Nalanda.
2. Kundan Kumar Son of Late Awadhesh Singh Resident of Village - Libri, Police Station - Telhara, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate Mr. Jharkhandi Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 Heard Mr. Ramakant Sharma, learned Senior counsel along with Mr. Rakesh Kumar Sharma, learned counsel appearing on behalf of the petitioners; Ms. Rita Verma, learned APP appearing on behalf of the State and Mr. Mritunjay Kumar, along with Mr. Jharkhandi Upadhyay, learned counsels appearing on behalf of the Informant.

2. The petitioners apprehend their arrest in connection with Telhara P.S. Case No. 42 of 2025 registered under Sections 191(2), 190, 126(2), 127(2), 115(2), 118(1), 117(2), 109(1), 303(2), 352, 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 27 of the Arms Act.



3. As per the allegation made in the FIR, the petitioners along with other co-accused persons, armed with weapon, assaulted the informant, causing injury to him and also committed theft.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. The petitioners in spur of the moment, in self-defence, may have caused some injury on the person of the informant, without intention. There is case and counter case between the parties arising out of the same incidence. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Mr. Jharkhandi Upadhyay, learned counsel appearing on behalf of the Informant vehemently opposed the prayer for grant of pre-arrest bail and submitted that the injury sustained by the informant is on several part of his body and complicity of the petitioners cannot be denied that they had assaulted the informant and altogether 12 injuries have been sustained by him, out of which 4 injuries are on his head. Learned counsel submitted that the informant could be saved only by the grace of God.

6. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that petitioners in spur of the moment, in self-defence, may have caused some injury on the person of the informant, without intention. There is case and counter case between the parties arising out of the same incidence.

8. In above view of the matter, I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail

9. The learned District Court is directed to release the petitioners 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) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Telhara P.S. Case No. 42 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

10. 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)

Ashishsingh/-

U		T	
---	--	---	--

