

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64594 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- PARSA District- Saran

1. Luv Kumar S/o- Ram Babu Ram R/o- Mukund Banauta Ps- Parsa Dist- Saran
2. Kush Kumar @ Ankush Kumar S/o- Ram Babu Ram R/o- Mukund Banauta Ps- Parsa Dist- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Parsa P.S. Case No. 165 of 2025 registered for the offences punishable under Sections 303(2), 190, 115(2), 118(2), 109, 352, 351(2), 191(2) of BNS.

3. As per prosecution case, petitioners armed with iron rod, saria and khanti assaulted the informant due to which informant sustained injury on the head. It is alleged that when Rahul Kumar, Teras Kumar, Ballabh Kumar and Rupan Kumar came to rescue, they were also assaulted. It is further alleged that informant was assaulted by 17 FIR named accused persons



and others and mobile of informant as well as cash of rupees two thousand was also taken away by the accused persons.

4. Learned counsel for the petitioners submits that dispute arose on account of listening of music and petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Learned counsel further submits that petitioners' side earlier lodged Parsa P.S. Case No. 164 of 2025 dated 02.06.2025 at 12:10 PM against the informant of the present case and others and in retaliation of said case, the present case i.e. Parsa P.S. Case No. 165 of 2025 dated 02.06.2025 at 15:30 PM has been lodged by the informant. He further submits that there is 2 days delay in lodging the FIR as the alleged occurrence took place on 31.05.2025 and the FIR has been lodged on 02.06.2025 and no plausible explanation has been given regarding the said delay. He further submits that the injury report of informant Harendra Ram completely negates the prosecution version as he received three injuries which are simple in nature though there is allegation that 17 FIR named accused persons and others assaulted the informant. He further submits that there is no allegation of repetition of blow against the petitioners. There is case and counter case between the parties and hence, free



fighting cannot be ignored and in counter case i.e. Parsa P.S. Case No. 164 of 2025, petitioner's side also sustained injury. Apart from that, petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that petitioners are said to have assaulted upon the head of informant and same is supported by the injury report and hence, petitioners do not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, there is no allegation of repetition of blow against the petitioners, injuries sustained by the informant are simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-9, Saran, Chapra in connection with Parsa P.S. Case No. 165 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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