

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79168 of 2025

Arising Out of PS. Case No.-543 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

1. Jitendra Choubey, S/o Late Shiv Kundal Chaubey, Resident of Village - Sarsar, P.S. - Siwan Muffasil, District - Siwan
2. Dharmendra Choubey @ Dharmndra Kumar Chaubey, S/o Late Shiv Kundal Chaubey, Resident of Village - Sarsar, P.S. - Siwan Muffasil, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Siwan Muffasil P.S. Case No. 543 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 352, 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. On the fateful day all the FIR named accused persons including the petitioners rushed to the house of the informant and brutally assaulted with *lathi* and *danda*. It is specifically alleged that the petitioner no. 1 assaulted the son of the informant by means of iron *tangi*, due to which he sustained



head injury, whereupon the petitioner no. 2 has assaulted the nephew of the informant by means of iron rod, due to which he also sustained head injury.

4. Learned Advocate appearing on behalf of the petitioners submitted that the genesis of the occurrence is nothing but a land dispute which resulted into a free fight, leading to injuries to persons of both the sides, as well as institution of case and counter case being Siwan Muffasil P.S. Case No. 542 of 2025 instituted by the petitioner no. 2 against the informant and others, which is admittedly on earlier point of time. Learned Advocate for the petitioners further submitted that so far the injuries which are allegedly sustained to the son and nephew of the informant are concerned, the same have been found to be simple in nature, as is evident from the impugned order itself. The petitioners though bears one criminal antecedent, however they undertake that they will fully cooperate in the proceeding of the Court and would not indulge in such activities in future.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of



the nature of accusation *qua* the simple injury, besides the factum of case and counter case, let the petitioners above named 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) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 543 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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