

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80039 of 2025

Arising Out of PS. Case No.-180 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. Munna Kumar Son of Mithilesh Sah, Resident of Village- Bada Sumera, P.S.- Kudhani (Turki), District- Muzaffarpur
2. Nitish Kumar @ Nitesh Kumar Son of Mithilesh Sah Resident of Village- Bada Sumera, P.S.- Kudhani (Turki), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Kudhani (Turki O.P.) P.S. Case No.180 of 2021 registered for the offences punishable under Sections 147, 148, 149, 342, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. In the night of the fateful day, the petitioners along with others armed with deadly weapons barged into the house of the informant and started assaulting him and his family members, leading to serious injuries, besides the allegation of snatching the valuables.

4. Learned Advocate for the petitioners contended that



so far these two petitioners are concerned, save and except they are allegedly participated in the crime, no specific allegation is attributed against them of causing assault to anyone. In fact, on account of a dispute as has arisen while playing game between the children of both the sides, the parties entered into a scuffle, resulting into injuries to persons of both the sides. There is a counter version of the present case and the wife of petitioner no.1 filed a Complaint Case No.413/2021 against the members of the informant's side. Other co-accused persons, who were facing identical allegation, have been allowed the privilege of anticipatory bail by a Bench of this Court vide order dated 06.07.2022 in Cr. Misc. No. 56966 of 2021. Initially the police has submitted charge-sheet only under Sections 341, 342, 323, 504 and 506/34 of the Indian Penal Code, but later on, the learned jurisdictional court has taken cognizance for the offences under Sections 307 and 324 along with other allied Sections of the I.P.C; hence, the pre-arrest bail application.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners were evading their arrest for the last four years, besides the fact they are named in the FIR.

6. Having considered the submissions advanced by



the learned Advocate for the respective parties and considering the fact that the police after investigation has submitted charge-sheet in non-bailable offences and later on cognizance has been taken for the offences, including Sections 307 and 324 of the Indian Penal Code, apart from the case and counter case and the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below 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 A.C.J.M. 1st (West), Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No.180 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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