

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81192 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- SINGHESHWAR District- Madhepura

1. Sushil Kumar @ Sushil Das @ Sushant Das S/o- Late Kulay Das @ Kulo Das Village- Itahri PS-Singheshwar District-Madhepura
2. Laltu Das S/o- Ram Das @ Ramchandra Das Village- Itahri PS-Singheshwar District-Madhepura
3. Chintu Kumar Das @ Chintu Das S/o- Ram Das @ Ramchandra Das Village- Itahri PS-Singheshwar District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-12-2025 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Singheshwar P.S. Case No. 182 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 110, 303(2), 352, 351(2) and 3(5) of the B.N.S.

3. In the night of the fateful day, all the FIR named accused persons, including the petitioners, rushed into the house of the informant and brutally assaulted. It is specifically alleged that on the exhortation made by petitioner no. 1, all the accused persons started assaulting and when the husband and daughter of the informant came to her rescue, petitioner no. 1 assaulted



the informant by means of butt of the pistol, due to which she sustained a head injury. There is further allegation of snatching of valuables, besides omnibus nature of allegation against all the accused persons of assault.

4. Learned Advocate for the petitioners submitted that with regard to an occurrence which took place on 29.05.2025, the present FIR came to be instituted on 02.06.2025, after a delay of three days, without there being any plausible reason for delay. Moreover, there is omnibus allegation against all the FIR named accused persons, except petitioner no. 1. However, there is no discussion with regard to nature of injury in the impugned order and *prima facie* it appears that the same is though on the vital part, but not grievous. In fact, on the fateful day, both the parties have entered into a free fight on account of a previous dispute, resulting into injuries to persons of both the sides and leading to institution of case and counter case being Sinheshwar P.S. Case No. 191 of 2025, instituted by the petitioner no. 1 against the informant and others. The petitioners are men of fair antecedent and they undertake that they will fully co-operate in the proceeding of the Court.

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



petitioners have actively participated in the crime and there is specific allegation against the petitioner no. 1 of causing assault to the informant, which injury is found to be serious in nature.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the delay in lodging of the FIR, besides the accusation levelled against the petitioners qua the injury as also their fair antecedent, 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) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 182 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 petitioners.

(Harish Kumar, J)

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