

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83078 of 2025

Arising Out of PS. Case No.-266 Year-2025 Thana- AMARPUR District- Banka

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Kudan Kumar @ Kundan Kumar @ Kundan Yadav, S/o Chunchun Yadav,
Resident of village - Gururaidih, P.S- Fullidumar, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-12-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Amarpur (Fullidumar) P.S. Case No.266 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 393(2), 352, 351(2) of the BNS.

3. On the fateful day, while the father of the informant was returning on his motorcycle, in the meanwhile, the petitioner along with two unknown persons intercepted him and brutally assaulted. It is specifically alleged that the petitioner assaulted the father of the informant by means of axe due to which he sustained head injury, besides the allegation of snatching the valuables and damaging the motorcycle.

4. Learned Advocate for the petitioner referring to the



FIR has contended that the alleged occurrence took place on 25.03.2025 and, for the first time, the written report has been submitted on 17.04.2025, without any explanation for the delay. Moreover, the informant is not an eyewitness to the alleged occurrence. The reason behind the false implication of the petitioner is said to be an old enmity. It is the contention of the petitioner that on the fateful day, the father of the informant met with an accident and taking advantage of such incident, the name of the petitioner has been implicated in this case. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court. While concluding the submission, learned Advocate for the petitioner taking this Court through the impugned order, contended that out of four injuries, three of them have been found to be lacerated and one injury is swelling on the left elbow and thus *prima facie* do not appear to be grievous in nature.

5. On the other hand, learned Advocate for the State submitted that the old aged father of the informant was brutally assaulted by the petitioner and, as such, he does not deserve the privilege of anticipatory bail.

6. Having considered the submissions set forth by the



learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the previous enmity, besides the fair antecedent of the petitioner as well as the nature of injury, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) P.S. Case No.266 of 2025, 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 petitioner.

(Harish Kumar, J)

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