

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84362 of 2025

Arising Out of PS. Case No.-207 Year-2024 Thana- LAUKAHA District- Madhubani

1. Ram Sagar Kunwar Son of Chulhai Kunwar Resident of Village- Madhopur, P.S.-Laukaha, District-Madhubani.
2. Ashok Kunwar Son of Ramesh Kunwar Resident of Village- Madhopur, P.S.-Laukaha, District-Madhubani.
3. Ramesh Kunwar Son of Late Jageshwar Kunwar Resident of Village- Madhopur, P.S.-Laukaha, District-Madhubani.
4. Indrajit Sharma @ Indrajit Kumar Sharma Son of Late Vijay Sharma Resident of Village- Madhopur, P.S.-Laukaha, District-Madhubani.
5. Shrawan Yadav son of Kokan Yadav Resident of Village- Madhopur, P.S.-Laukaha, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
For the Informant : Mr. Shivnandan Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-12-2025 Heard the learned Advocate for the petitioners,

learned Advocate for the informant and the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Laukaha P.S. Case No. 207 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 351(2) and 3(5) of the B.N.S.

3. Based upon the *fardebayan*, the prosecution alleged that the accused persons had been continuously engaged in threatening the informant to withdraw the earlier case and in the



said process on 21.10.2024, while the informant was returning to his house on his motorcycle, in the meanwhile, all the FIR named accused persons surrounded him and brutally assaulted. It is specifically alleged that co-accused *Surendra Yadav* assaulted him by means of iron rod over his hand and co-accused *Shiv Sagar Kunwar* further assaulted him. They have also snatched the valuables and co-accused *Yudhishtir Yadav* looted the motorcycle.

4. Learned Advocate for the petitioners submitted that so far the petitioners before this Court are concerned, there is no specific accusation of any overt act. From the narratives of the FIR, it is evident that there is a previous enmity between the parties and, as such, the false implication of the petitioners cannot be ruled out. Moreover, the specific accusation has been levelled against accused *Surendra Yadav*, *Yudhishtir Yadav* and *Shiv Sagar Kunwar*, who are not before this Court. It has also been submitted that out of petitioner nos. 1-4, petitioner no. 2 bears fair antecedent.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submits that besides the accused persons were engaged in threatening since long, they have brutally assaulted the



informant, due to which he sustained severe injuries. All the more, the petitioner nos. 1, 3 and 4 bears criminal antecedent and they are habitual offender. Despite the fact that the matter is pending before this Court, some of the accused persons have again apprehended the informant and assaulted him for which an application has also been filed before the concerned police station; the copy of which has also been sent to the Superintendent of Police, Madhubani on 23.12.2023, itself. It is lastly contended that the process under Section 84 of the BNSS has also been issued against all the accused persons.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the nature of accusation and the fact that the process under Section 84 of the BNSS has already been issued, this Court is not acceded to the prayer for anticipatory bail of the petitioners. Accordingly, the prayer of the petitioners stands rejected.

7. However, if the petitioners surrender before the Court below, the learned Court shall consider the prayer of the petitioners, without being prejudiced by the order of this Court.

(Harish Kumar, J)

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