

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83415 of 2025

Arising Out of PS. Case No.-303 Year-2025 Thana- SIRDALA District- Nawada

1. Vijay Singh Son of Saudagar Singh Resident of village- Padeya, Police Station- Sirdala in the district of Nawada
2. Chhotu Singh son of Vijay Singh Resident of village- Padeya, Police Station- Sirdala in the District of Nawada
3. Udit Singh Son of Pravin Singh. Resident of village- Padeya, Police Station- Sirdala in the District of Nawada
4. Rustam Singh Son of Sanoj Singh Resident of village- Mahavatpur,, Police Station- Sirdala in the district of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sirdala P.S. Case No. 303 of 2025, registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 109, 118(1), 117(2), 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly in the morning of 03.08.2025 while the brother of the informant was going to market, in the meanwhile,



the petitioners alongwith other co-accused persons variously armed with *lathi*, *danda*, iron rod and pistol surrounded him and brutally assaulted, due to which he sustained serious injury and taken to hospital. In the hospital the injured brother of the informant disclosed the name of the petitioners alongwith other named accused persons as well as ten unknown persons. It is also alleged that the accused persons have also snatched the valuables.

4. Learned Advocate appearing on behalf of the petitioners submitted that the genesis of the occurrence is a previous dispute. Moreover, even if the allegation is taken to be true for the sake of argument, an omnibus nature of allegation has been levelled against eight named accused persons and ten unknown persons. So far the petitioners are concerned, no specific accusation has been attributed, leading to any injury. Referring to the injury report which is placed as Annexure 2 to the application, learned Advocate further submitted that the injured has sustained a fracture injury over his right tibia, though it has been declared grievous in nature, but admittedly not on vital part and, as such, there is no application of Section 109 of the Bharatiya Nyaya Sanhita. So far the petitioner 1, 2 and 3 are concerned, they are carrying one criminal antecedent,



whereas the petitioner no. 4 has fair antecedent. 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 and submits that because of the assault being made by the petitioners alongwith others, the injured has sustained a grievous injury.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the fact that the injured has sustained a grievous injury over his non-vital part, 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 Court of Judicial Magistrate, 1st Class, Nawada in connection with Sirdala P.S. Case No. 303 of 2025, subject with the further following conditions:-

(i) That one of the bailors shall be the own/close family members of the petitioners.



(ii) If the petitioners are found involve in intimidating/ threatening the witnesses or the informant or would indulge in such activities in future, the informant/State shall be at liberty to file appropriate application for cancellation of their bail bond(s).

(Harish Kumar, J)

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