

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1664 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- MOKAMAH District- Patna

1. Sushil Kumar @ Sushil S/O Late Brij Nandan Singh @ Brij Nandan Prasad Singh R/O - Mokama Ghat, P.S.- Mokama, Dist.- Patna
2. Chotu Kumar @ Vishwajeeet Kumar @ Chotu S/O Late Brij Nandan Singh @ Brij Nandan Prasad Singh R/O - Mokama Ghat, P.S.- Mokama, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners seek bail in connection with Mokamah P.S. Case No. 439 of 2024 dated 11.10.2024 registered for the offence punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the Bhartiya Nyay Sanhita.

3. The allegation against Sushil Kumar (petitioner no. 1) is that he assaulted the son of the informant by means of *Hasua* resulting into cutting of his thumb and Chotu Kumar (petitioner no. 2) is alleged to have assaulted the informant by means of *Katta* in his stomach.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is a case and counter case between the parties. The counter case bearing Mokama P.S. Case No. 440 of 2024 has been filed by mother of the petitioner. It is submitted that on bare perusal of the F.I.R., it appears that though there is specific allegation against petitioner no. 2 that he assaulted the informant by means of *Katta* in his stomach and so far allegation against petitioner no. 1 is concerned, it is alleged that he assaulted the son of the informant by means of *Hasua* resulting into cutting of his thumb. It is submitted that both the injured persons have sustained injury. The doctor has opined that nature of injury is simple. It is further submitted that there is land dispute between the parties. The petitioners are in custody since 19.10.2024, petitioner no. 1 has one criminal case against him which has been lodged by wife of the informant of this case and so far petitioner no. 2 is concerned, he has no criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the



case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Barh, Patna in connection with Mokama P.S. Case No. 439 of 2024.

(Khatim Reza, J)

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