

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3536 of 2026

Arising Out of PS. Case No.-100 Year-2021 Thana- MUSAHARI District- Muzaffarpur

1. Manjay Kumar @ Manoj Kumar S/O Sudhir Thakur R/O Vill.- Binda, P.s.- Mushahari, Dist.- Muzaffarpur
2. Jitendra Kumar S/O Suresh Thakur R/O Vill.- Binda, P.s.- Mushahari, Dist.- Muzaffarpur
3. Chintu Kumar S/O Suresh Thakur R/O Vill.- Binda, P.s.- Mushahari, Dist.- Muzaffarpur
4. Raushan Kumar S/O Sunil Thakur R/O Vill.- Binda, P.s.- Mushahari, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Adv
	:	Mr.Amit Kumar Mishra, Adv
	:	Mr.Vinit, Adv
For the Opposite Party/s :	:	Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 05-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Musahari P.S. Case No. 100 of 2021 registered for the offences punishable under Sections 147, 149, 323, 452, 307, 302 of the I.P.C.

3. As per the prosecution case, a scuffle took place between the son of the informant Pankaj Singh and petitioner no. 1 Manjay Kumar on 02.06.2021 at about 16 hours. It is alleged that thereafter on 02.06.2021 at 12:00 A.M., petitioners



along with other five co-accused persons forming an unlawful assembly entered the house of the informant and assaulted her another son Prakash Thakur by means of *lathi*, legs and fists, injuring him, where after, he was taken to hospital and during treatment the son of the informant namely Prakash Thakur died.

4. Learned counsel for the petitioners have submitted that there is delay of five days in reporting the matter to the police and the FIR came to be lodged only after the death of the deceased at the hospital. Learned counsel for the petitioners have submitted that no specific weapon has been assigned to the petitioners by which they are alleged to have assaulted. It has been further submitted that the cause of death was opined to be due to septicemia, shock and altogether there were five injuries, but only one injury was found to be on nose which can be said to be vital part of the body and other injuries were on abdomen, lip and back. It has further been submitted that as per the opinion of the autopsy surgeon, the injury which were in the form of abrasions, were anti mortem in nature, caused by hard and blunt substance. Learned counsel for the petitioner has further submitted that petitioner was not declared as an absconder and as per the impugned order itself, it can be gathered that matter was under investigation against this



petitioner. It has further been submitted that there is a counter version of the present FIR and the same was registered under Sections 448, 341, 323, 325, 354, 504, 506 and 34 of the IPC, in which the petitioners side also received injuries. It has further been submitted that there was free fight between the parties, without any premeditation and the informant side were aggressor. It has further been submitted that the assault was done by means of *lathi*, legs and fists and hence it cannot be gathered that in unlawful assembly that accused persons were armed with various lethal weapons at the time of alleged occurrence. It has further been submitted that allegations against the petitioners are general and omnibus in nature. Co-accused persons have been extended the privilege of bail by co-ordinate benches of this court vide order dated 16.05.2023 and 25.04.2023 passed in Cr. Misc No. 16123 of 2023 and Cr. Misc. No. 13020 of 2023 respectively. It has been further submitted that petitioners are in custody since 15.10.2025 having no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and has submitted that that the petitioners were the persons who actively participated in the alleged occurrence.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Musahari P.S. Case No. 100 of 2021.

7. The application stands allowed.

(Praveen Kumar, J)

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