

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2834 of 2026

Arising Out of PS. Case No.-414 Year-2025 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Umesh Chaudhary Son of Late Raghunath Choudhary Resident of village-
Sikanderpur, PS- G. B. Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard Mr. Naresh Prasad, learned counsel appearing

on behalf of the petitioner and Mr. Manoj Kumar, learned APP

for the State.

2. Petitioner seeks pre-arrest bail in connection with

G.B.Nagar P.S.Case No.414 of 2025 registered for the offences

punishable under Sections 126(2), 115(2), 303(2), 109, 351(2),

352 and 3(5) of BNS.

3. As per the allegations made in the FIR, the

petitioner is alleged to have assaulted the informant and his

family members along with other co-accused persons named in

the FIR.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner is the full brother of the



informant and has been falsely implicated in the present case on frivolous and baseless allegations. It is further submitted that on the alleged date of occurrence, due to a pre-existing family dispute, there was a heated altercation between the petitioner and the informant and in the heat of passion, both parties indulged into a free fight, causing injuries to each other. It is also submitted that there is a case and counter-case arising out of the same incident and both sides have sustained injuries. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the FIR and the materials that have surfaced during the course of investigation as reflected in the case diary, it appears that till date, no medical opinion has been furnished by the doctor with regard to the nature of injuries sustained by the informant. It further appears that both parties have instituted case and counter-case arising out of the same occurrence. It also appears that due to previous enmity between the two brothers, they indulged into a free fight and in the heat of passion, the



petitioner may have caused injuries to the informant. However, the same does not appear to have been done in a planned manner with an intention to kill the informant and the petitioner may have caused injury to the informant in his self-defence. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court 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 ACJM-IVth, Siwan/concerned court, in connection with G.B.Nagar P.S.Case No.414 of 2025, subject to conditions as laid down under Section 482(2) of BNSS of 2023

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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