

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11630 of 2026

Arising Out of PS. Case No.-101 Year-2025 Thana- KAJRA District- Lakhisarai

1. Vikash Kumar S/O Ramashish Prasad Kushwaha R/O Village- Punadih, P.S- Kajra, Distt.- Lakhisarai.
2. Bittu Kumar @ Hemant S/O Ramashish Prasad Kushwaha R/O Village- Punadih, P.S- Kajra, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-04-2026 Heard Mr. Mukesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ganesh Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kajra P.S. Case No. 101 of 2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 109(1), 352, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the allegations made in the FIR, while the informant was planting paddy in his field, the accused persons including the petitioners allegedly came, abused and assaulted him, wherein petitioner no.1, Vikash Kumar, is alleged to have caused a head injury by an iron rod and petitioner no. 2, Bittu



Kumar, allegedly attempted to assault him with an axe, thereafter, other co-accused assaulted him with danda, causing injuries to him.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case due to admitted land dispute and political rivalry between the parties, and in that background the entire family members of the petitioners have been roped in the present case. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

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

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the FIR and the materials available on record, I am of the opinion that so far as petitioner no. 1 is concerned, there is a specific and direct allegation against him that he assaulted the informant with an iron rod causing head injury, which appears to be grievous in nature. Considering the direct allegation attributed to him, I am not inclined to enlarge the petitioner no. 1 on pre-arrest bail.



7. However, so far as petitioner no. 2 is concerned, though he is alleged to have participated in the occurrence, there is no specific overt act attributed to him except a general allegation of attempted assault, and considering the overall facts and circumstances of the case, I am of the opinion that petitioner no. 2 has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner no. 2, above named, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Kajra P.S. Case No. 101 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. 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.

10. Accordingly, the present application stands



disposed of.

(Purnendu Singh, J)

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