

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15117 of 2026

Arising Out of PS. Case No.-338 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Rajesh Kumar @ Rajesh Kumar Singh, Male, aged about 45 years, son of Late Ram Pragash Singh
2. Abhishek Kumar, Male, aged about 24 years, son of Rajesh Kumar Singh @ Rajesh Kumar, Both resident of village- Chauchahi Bharpura, Ps-Bibhutipur District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Kunwar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard Mr. Shashank Shekhar Kunwar, learned counsel appearing on behalf of the petitioners and Mr. Kalyan Shankar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bibhutipur P.S. Case No. 338 of 2025, registered for the offence punishable under Sections 329(3), 126(2), 115(2), 74, 109(1), 352, 351(2) and 3(5) of the BNS.

3. As per the allegation made in the FIR, petitioners along with other accused persons, with an intention to kill, had assaulted the informant and his family members, causing injury on the different part of the body of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Petitioner no. 1 is father and petitioner no. 2 is his son. The alleged incidence had taken place two months back before the lodging of the FIR and no reason has been assigned, as to why, such delay has been caused. Learned counsel further submits that, as detailed in paragraph no. 17 of the bail application, the genesis of the dispute lies in a family property matter. The informant is the own brother of petitioner no. 1, and they also have a sister. Following the demise of their father, a dispute arose regarding the partition of ancestral landed property, as well as, the residential house. On several occasions, quarrels took place between the two brothers, and their sister was called upon to mediate and amicably resolve the dispute. He further submitted that the sister had consistently advocated for an equal partition of the property between both brothers. While petitioner no. 1 agreed to such an arrangement, the informant refused to concede any share in the house property to the petitioners. Consequently, due to this ongoing dispute and after a considerable lapse of time, the present FIR has been lodged by the informant against the petitioners and other co-accused persons with a *mala fide* intention to exert pressure and unlawfully deprive the petitioners



of their rightful share in the property. Learned counsel further submitted that although the matter was previously settled between the parties, the informant, who is the own brother of petitioner no. 1, has resorted to file the present FIR instead of availing civil remedies. Petitioners have clean antecedent. On these grounds, 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, however, he submitted that nature of allegation is primarily for civil cause, which can be resolved and settled outside the Court.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the FIR, I find that there is land dispute between the parties in respect of share of their ancestral property. The allegation has civil intent and resorting to criminal prosecution is unwarranted. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail also considering the fact that the injuries sustained by the informant side have been opined by the doctor to be simple in nature.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bibhutipur P.S. Case No. 338 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. Learned District Court is further directed to examine the matter for mediation in light of the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in *(2025) 4 SCC 78* and take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to Mediation 2.0.

(Purnendu Singh, J)

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