

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16327 of 2026

Arising Out of PS. Case No.-240 Year-2025 Thana- JAHANABAD District- Jehanabad

Amit @ Amit Kumar son of Krishna @ Krishna Tiwari @ Krishna @ krishna
Singh Resident of village- Deoria Devi Asthan PS- Jehanabad Dist
-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18393 of 2026

Arising Out of PS. Case No.-240 Year-2025 Thana- JAHANABAD District- Jehanabad

Lalu @ Lalu Kumar @ Abhijit S/o Krishna @ Krishna Tiwari @ Krishna
Singh R/o Vill- Deoria, Devi Asthan, PS- Jehanabad, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16327 of 2026)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

Ms.Chandni Kumari, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 18393 of 2026)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

Ms.Chandni Kumari, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 17-06-2026 Heard Mr. Sanjeev Kumar, learned Advocate for the

petitioners and Mr. Dilip Kumar, learned Additional Public

Prosecutor for the State in both the cases.

2. Since both the cases arising out of the same P.S.

and, as such, with the consent of the parties, same are being



heard together and disposed off by the common order.

3. The petitioners are apprehending their arrest in connection with Jehanabad P.S. Case No. 240 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 62, 352, 351(2) and 3(5) of BNS.

4. Allegedly, on the given date and time of occurrence while the informant was going to the house of his friend, in the meanwhile, the petitioners along with two other persons intercepted them and started abusing. When objection was raised, both the petitioners brutally assaulted him by means of fists and slaps which resulted into serious injuries on eyes and nose. There is further allegation that the petitioners have also snatched the mobile phone of the informant but on commotion when villagers gathered, they threw the mobile phone and fled away. The informant was taken to hospital and later on referred to AIIMS, Patna.

5. Learned Advocate for the petitioners has taken this Court through the FIR and contended that the alleged occurrence took place on 11.03.2025 and even if the informant was under treatment nothing has prevented the family members to institute an FIR and for the first time, the statement of the injured was recorded on 19.03.2025, after a delay of 7 days;



though he fairly submits that his statement was recorded in AIIMS, Patna. Even after recording of the fardbeyan, it was sent to the concerned Police Station on 26.03.2025 and accordingly, the FIR has been registered. The delay in lodging of the FIR cannot be ruled out that during the interregnum period, some deliberation and exaggeration of accusation has been made. In fact, the true story has not been lodged and on the date of occurrence, the informant along with his friends, who were indulged in eve-teasing of the sister of the petitioners and due to which some free fight has taken place which resulted into unfortunate injuries. Even if the allegation is taken to be true for the sake of the argument, it is alleged that the informant was assaulted by means of fists and slaps and in the entire case, the petitioners have not used any weapon but surprisingly the injury report depicts that the doctor has found a fracture on neck and thus it is said to be grievous. The aforesaid injury has also not been attributed specifically to the petitioners. So far petitioner, namely Amit @ Amit Kumar is concerned, he is facing one criminal antecedent, whereas petitioner, namely Lalu @ Lalu Kumar @ Abhijit, he is facing three criminal antecedents but both are aged about 27 and 25 years respectively and they undertake that they will fully cooperate in the proceedings of the



Court and would not indulge in such incidence in future.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific allegation against these two petitioners that they have brutally assaulted the informant due to which he sustained grievous injury. It is not necessary that the use of weapon only shows the intention to cause harm, rather fists and slaps used by the petitioners is good enough to cause even death of a person.

7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the factum of delay in lodging of the FIR, coupled with the injury report which shows only one injury over the neck, though grievous in nature, besides the genesis of occurrence and the undertaking, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 240 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita,



2023, with the further conditions:

(i) that one of the bailors shall be the own/close family members of the petitioners,

(ii) that the petitioners would not indulge in intimidating the witnesses/informant or tampering with the evidence, and

(iii) that in case, the petitioners shall be found indulge in intimidating the informant/witnesses or tampering with the evidence, the informant shall be at liberty to file an application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

