

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18742 of 2026

Arising Out of PS. Case No.-438 Year-2025 Thana- Arwal District- Arwal

1. Vijay Saw @ Ravi Kumar Son of Late Muni Lal Saw Resident of Village Pheku Bigha, P.O. Jalpura P.S. - Arwal, District - Arwal
2. Randhir Kumar S/O Surendra Saw Resident of Village Pheku Bigha, P.O. Jalpura P.S. - Arwal, District - Arwal
3. Luchan Kumar @ Ranjit Kumar S/O Surendra Saw Resident of Village Pheku Bigha, P.O. Jalpura P.S. - Arwal, District - Arwal
4. Vishal Kumar Sons of Vijay Saw @Ravi Kumar Resident of Village Pheku Bigha, P.O. Jalpura P.S. - Arwal, District - Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Advocate

Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-07-2026 Heard Mr. Sanjay Kumar Mishra, learned counsel appearing on behalf of the petitioners and Mr. Satya Nand Shukla, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Arwal P.S. Case No. 438/2025 registered for the offence(s) punishable under Sections 189(2),126(2),115(2),117(2),109,3(5) of the BNS.

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



petitioners, armed with *lathi*, *danda* and iron rod, allegedly assaulted the informant's uncle over a land dispute, causing grievous injuries and threatening the informant and his family.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case. He submitted that the occurrence arose out of a land dispute between the parties, who are co-villagers and next-door neighbours, and there is a case and counter case arising out of the same occurrence. He further submitted that the informant was not an eye-witness to the occurrence. Learned counsel contended that there is a specific allegation of assault only against petitioner no.2, whereas the allegations against petitioner nos.1, 3 and 4 are general and omnibus in nature. He also submitted that petitioner no.1 has antecedent of one case in which he is on bail, whereas petitioner nos.2 to 4 have clean antecedents. 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 and upon perusal of the materials available on record, it appears that there is a specific allegation against



petitioner no.2 of assaulting the injured on the head with an iron rod. The case diary reveals that the statements of the informant and the witnesses support the prosecution case and the injury reports disclose grievous injuries attributable to the petitioner no.2. In such circumstances, I am not inclined to enlarge petitioner no.2 on pre-arrest bail. Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

7. However, so far as petitioner nos.1, 3 and 4 are concerned, the allegations against them are general and omnibus in nature and no specific overt act has been attributed to them. I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail

8. The petitioner nos.1, 3 and 4, 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) 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 Arwal P.S. Case No.438 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. Accordingly, the present application stands



disposed of.

(Purnendu Singh, J)

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