

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23085 of 2026

Arising Out of PS. Case No.-295 Year-2025 Thana- PARANDABAR District- Nawada

1. Subodh Kumar Son of Umesh Chandra Prasad @ Umesh Prasad R/O Vill.-
Baluatari, P.S.- Parnadabar, District- Nawada
2. Umesh Chandra Prasad @ Umesh Prasad Son of Jagdish Prasad R/O Vill.-
Baluatari, P.S.- Parnadabar, District- Nawada
3. Jitendra Prasad @ Jitendra Kumar Son of Late Mahendra Prasad R/O Vill.-
Baluatari, P.S.- Parnadabar, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar, Advocate
For the Opposite Party/s :	Mr. Ganesh Prasad Singh, APP
:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 13-07-2026 Heard the learned counsel for the petitioners and
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Parnadabar P.S. Case No. 295 of 2025, for allegedly having committed offence under Sections 126(2), 115(1), 118(2), 117(2), 351(2)(3), 352 and 3(5) of the BNS.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that while they were digging earth in the old house for construction of wall of his house, the petitioners along with other co-accused, armed with iron rod and saif came



there and started abusing and assaulting the informant. The nephew of the informant came there to save him, upon which, other co-accused persons came there and started assaulting him also. Both the injured persons were taken to Primary Health Centre, Siradala and from there, they were referred to Sadar Hospital, Nawada.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He further submits that there is general and omnibus allegation of assault on both the injured, against all the accused persons. He further submits that no specific allegation of over act is there against the petitioners herein and only general and omnibus allegation is there in the entire first information report. He further submits that the doctor after examination of the injured persons, found the injuries to be grievous in nature. However, the same are on the hands of the injured persons, which is not the vital part of the body. He further submits that for the same occurrence, Parnadabar P.S. Case No. 293 of 2025 was instituted by the petitioner no.1 under different sections of the BNS, in which vide order dated 05.01.2026 Section 103 of the BNS was later on added, since one of the injured, namely, Baby Devi died during course of treatment. He further submits



that the present case is a counter-blast of the Parnadabar P.S. Case No. 293 of 2025. He submits that the petitioner nos. 1 & 2 are accused in a case bearing Sirdalla P.S. Case No. 319 of 2019, in which they are on bail. So far petitioner no.3 is concerned, he is an accused in Sirdalla P.S. Case No. 164 of 2020, in which he is on bail.

5. Per contra, the learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that there is specific allegation of assault against the petitioners as well as against all the co-accused persons. The doctor has found the injuries sustained by both the injured to be grievous in nature. Therefore, the petitioners do not deserve the privilege of anticipatory bail.

6. The learned APP for the State also opposes the prayer for bail of the petitioners and submits that the doctor has found the injuries to be grievous in nature and further, the petitioners have got criminal antecedent.

7. Having heard the rival submissions and after going through the records, it appears that there was a free fight in between the parties for which, case and counter case was lodged. The petitioner no.1 filed Parnadabar P.S. Case No. 293 of 2025, under different sections of the BNS, wherein later on,



Section 103 of the BNS was added, since one of the injured Baby Devi died during course of treatment. The present case is a counter-blast of Parnadabar P.S. Case No. 293 of 2025. Further, from perusal of the injury report, which is available along with case diary, it would transpire that the doctor has found linear nondisplaced fracture distal end of left clavicle on the shoulder of the injured Birendra Kumar and has found the injuries to be grievous in nature. Similarly, the doctor has found fracture on the right wrist of the injured Sidheshwar Prasad (informant) and has found the injuries to be grievous in nature. It appears that the injuries, which have been found to be grievous in nature by the doctor, are on the hands of the both the injured and are not on the vital part of body. Further, injuries were received by both the parties in the free fight, in which one of the injured from the side of the petitioner, succumbed to her injuries. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada in connection with Parnadabar P.S. Case No. 295 of 2025, subject to the conditions as laid down



under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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