

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25519 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- MUSAHARI District- Muzaffarpur

1. Sudhakar Kumar S/o Sri Bhola Bhagat @ Bhola Singh R/O Village- Nawada, P.s.- Mushahari, District- Muzaffarpur
2. Prabhat Kumar S/o Sri Bhola Bhagat @ Bhola Singh R/O Village- Nawada, P.s.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Kajal, Advocate Mr. Mudit Meet, Advocate Mr. Purushottam Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the informant	:	Mr. Brahmaputra Singh, Advocate Mr. Poonam Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mushahari P.S. Case No. 8 of 2026, for the offence under sections 329(3), 126(2), 115(2), 109(1), 118(1), 117(2), 303(2), 3(5) of the B.N.S., 2023 lodged on 09.01.2026, by the informant, Aarti Kumari.

3. As per the prosecution story, the informant alleged that the accused persons came and started cutting the tree, when it was informed by the villagers, they were confronted, on the order of Prabhat Kumar, the assault took place. Further, Prabhat Kumar gave blow on his shoulder and



hand by lathi and Vicky Kumar assaulted on leg, Sudhakar and Vicky pushed him on the ground and Sudhakar Kumar jumped over forcefully on his hip. When the local assembled, all accused person left the place and after that he was sent to primary health centre, Musahari and then doctor referred him to S.K.M.C.H., Muzaffarpur. This led to the FIR.

4. Learned counsel for the petitioners submits that the exonerated F.I.R. is there in which all the family members have been implicated, there is no injury on his shoulder and hand as alleged against Prabhat Kumar, petitioner No.2.

5. Learned APP as well as learned counsel for the informant both opposes the prayer and learned counsel for the informant on the other hand has drawn the attention of this Court to learned Sessions Judge order to show that so far as injury inflicted by Sudhakar is concerned, then has been fracture of femur bone and the injury has been found to be grievous in nature.

6. Considering the submission aforesaid as also the injury that has been inflicted by Sudhakar Kumar (petitioner No.1), no relief can be extended to him. Therefore, the prayer for anticipatory bail of petitioner No.1, Sudhakar Kumar, is rejected. So far as petitioner No.2, Prabhat Kumar, is



concerned, though allegation of order giver, in view of the submission made that no injury has been found on the shoulder and in that background, this Court is inclined to extend petitioner No2, Prabhat Kumar, the privilege of anticipatory bail with conditions.

7. Let the petitioner No.2, Prabhat Kumar, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Muzaffarpur (East) in connection with Mushahari P.S. Case No. 8 of 2026, subject to the following conditions :-

(i) one of the bailor should be the family member/relative of the petitioner No.2, Prabhat Kumar, who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner No.2, Prabhat Kumar, shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner No.2, Prabhat Kumar, shall



appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner No.2, Prabhat Kumar, shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner No.2, Prabhat Kumar, shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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