

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37646 of 2026

Arising Out of PS. Case No.-382 Year-2026 Thana- SIKARPUR District- West Champaran

1. Jamil Akhtar, aged about- 22 years, Gender- Male, S/o- Issrafil Gaddi @ Isarfil @ Israfil Gaddi,
2. Samil Akhtar, aged about- 20 years, Gender- Male, S/o- Issrafil Gaddi @ Isarfil @ Israfil Gaddi
3. Issrafil Gaddi @ Isarfil @ Israfil Gaddi, aged about- 45 years, Gender- Male, S/o- Mangan Gaddi

All resident of village- Panchawa, P.S- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-07-2026 Heard Mr. Sujeet Kumar, learned counsel appearing on behalf of the petitioners and Mr. Raj Kishor Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Shikarpur P.S. Case No. 382 of 2026 registered for the offence punishable under Sections 126(2), 115(2), 118(2), 109(1), 352, 351(2) and 3(5) of the BNS.

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



along with other co-accused, had alleged assaulted the informant and his family members by means of *lathi*, *farsa*, *sticks* and *iron rod*, causing injury to them.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioners. Both the parties were indulged into fierce-fight and the petitioners, in their self defence, may have caused injury to the informant side, without intention. Injuries sustained by the informant side are found to be simple in nature. There is case and counter case between the parties. 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.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, general and omnibus allegation has been levelled against the petitioners no. 1 and 2. There is case and counter case between the parties. I am of the opinion that petitioners no. 1 and 2 have, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioners no. 1 and 2, 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 Shikarpur P.S. Case No. 382 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

8. So far as, petitioner no. 3 is concerned, considering the specific allegation against him that he along with Ghayas Gaddi had assaulted the father of the informant causing injury on his head, I am not inclined to enlarge the petitioner no. 3 on pre-arrest bail.

9. However, the petitioner no. 3, if so advised, may surrender before the learned District Court and seek regular bail. In that case, the learned District Court may consider to dispose of the bail application of the petitioner on the same day on the basis of material which has come in course of investigation.

10. The learned District Court is directed to verify the criminal antecedent of the petitioners no. 1 and 2 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 1 and 2 as what has



been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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