

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39244 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- KHAJAUJI District- Madhubani

1. Lalan Kuwar Son of Bidyasagar Kuwar R/V- Tarapatti, Ward No.- 3, P.S.- Khajauli, Distt.- Madhubani.
2. Suman Kuwar @ Suman Bidyasagar Kuwar Son of Bidyasagar Kuwar R/V- Tarapatti, Ward No.- 3, P.S.- Khajauli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Thakur, Advocate
For the State	:	Mrs. Renu Kumari, APP
For the O.P. No. 2	:	Mr. Ravindra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for O.P. No. 2.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Khajauli P.S. Case No. 245 of 2025 dated 02.12.2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 351(2) and 3(5) of B.N.S., 2023.

3. As per allegation, the petitioners and other co-accused came to the house of the informant, who was doing construction of his house, and assaulted him by *farsa* and iron rod.



4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that as a matter of fact, the informant and the accused are agnates and they are next door neighbors. There was dispute regarding some boundary wall where construction was going on which led to some altercation resulting into injury on both sides and filing of case and counter case. The counter case filed by the petitioners' side is Khajauli P.S. Case No. 246 of 2025.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

7. However, learned APP for the State and learned counsel for O.P. No. 2 vehemently oppose the prayer of the Petitioners for bail submitting that they have caused injury on the head of the informant-victim and hence, they do not deserve anticipatory bail.

8. By way of reply, learned counsel for the petitioner submits that the injury allegedly caused is simple in nature as per medical opinion and hence, Section 307 IPC/109 B.N.S. is



not made out. At most, it is a case of simple hurt and hence, the matter becomes bailable and therefore, the petitioners deserve to be enlarged on anticipatory bail.

9. Considering the simple nature of the allegedly caused injury and case and counter case between the parties, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Khajauli P.S. Case No. 245 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the
petitioners.

(Jitendra Kumar, J)

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