

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46811 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- Badem P.S. District- Aurangabad

1. Surendra Prasad Gupta S/o Late Ramchandra Sao Resident of Village- Kanker, P.S.- Badem, District- Aurangabad
2. Ranjeet Kumar Gupta @ Ranjit Prasad Gupta @ Ranit Pd. Gupta S/o Surendra Prasad Gupta Resident of Village- Kanker, P.S.- Badem, District- Aurangabad
3. Sanjit Prasad Gupta @ Sanjeet Pd. Gupta S/o Surendra Prasad Gupta Resident of Village- Kanker, P.S.- Badem, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-07-2026 Heard Mr. Ashok Kumar Singh, 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 Badem P.S. Case No. 36/2026 registered for the offence(s) punishable under Sections 126(2)/115(2)/109(1)/303(2)/351(2)/3(5) of the BNS.

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



04.05.2026, while the informant was cleaning his shop, the petitioners along with a co-accused came there, assaulted the informant and his son causing injuries, assaulted the informant's grandson when he intervened, petitioner no.2 took away Rs.120/- from the pocket of the informant and petitioner no.1 threatened to kill him.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. He submitted that the present case is a counterblast to Badem P.S. Case No. 38 of 2026 instituted by petitioner no.1 against the present informant and his family members with respect to the same occurrence. Learned counsel further submitted that the informant is the brother of petitioner no.1 and petitioner nos.2 and 3 are his nephews and the dispute is purely a family dispute. He submitted that petitioner nos.1 and 2 sustained injuries whereas petitioner no.3 sustained a grievous head injury with hairline fracture. The petitioners, in self-defence, may have caused some injury on the person of the informant. He further submitted that the opinion regarding the injuries of the prosecution side has been kept reserved. The petitioners 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, as well as, having perused the allegation made in the FIR , I find that the occurrence appears to have arisen out of an admitted family dispute between the parties and there is a case and counter case arising out of the same occurrence and Badem P.S. Case No. 38 of 2026 was instituted prior to the present case and the petitioners, in self-defence, may have caused some injury on the person of the informant. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, 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 Badem P.S. Case No. 36/2026, subject to the conditions as laid down under Section 482(2) of the BNSS.



8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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