IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61063 of 2026

CNR No. BRHC010849052026

Arising Out of PS. Case No.-144 Year-2026 Thana- SANDESH District- Bhojpur

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Ravi Kant Kushwaha @ Tunna S/o Suraj Dayal Singh Kushwaha R/o Village-Khandol, PS- Sandesh, Dist- Bhojpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms.Bhawana Jha, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP
For the informant : Mr. Dharmesh Kumar Chaubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Sandesh P.S. Case No. 114 of 2026 registered for the offence(s) punishable under Sections 190, 191(2), 191(3), 115(2), 126(2), 109, 117(2) and 352 of the BNS.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner assaulted the informant and his family members, causing injuries. Specific allegation against the petitioner is that he had assaulted the brother of the informant, namely, Abhineet Kumar, by means of

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Danda, which caused fracture on his right shoulder, with an intention to kill with other co-accused.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner and informant are agnates. There is case and counter case between the parties arising out of same incidence and due to previous enmity, an altercation took place and both the sides entered into fierce fight, in which, both the sides sustained injuries and in the self-defence, petitioner may have caused some injury on the person of the brother of the informant without any intention. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Dharmesh Kumar Chaubey, learned counsel, has tendered his appearance on behalf of the informant and referring to several paragraphs of the case diary, particularly the injury report, submitted that because of the assault attributable to the petitioner with an intention to kill with other co-accused, the brother of the informant sustained injury on his right shoulder and as such, the petitioner don’t deserve to be released on pre-arrest bail.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

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7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the material which has surfaced in course of investigation, I find that the assault attributable to the petitioner is on the injured Abhineet Kumar, who sustained injury on his right shoulder, causing fracture. In paragraph no.20 of the case diary, the investigating officer has found that the petitioner also sustained injury, which is supported by the statement made by the petitioner in paragraph no.14 of the bail application. There is case and counter case between the parties arising out of same incidence and due to previous enmity, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioner may have caused some injury on the person of the brother of informant without any intention. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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 ACJM 7, Bhojpur at Ara / Concerned

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Court in connection with Sandesh P.S. Case No. 144/2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is 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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