

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87486 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- KARPI District- Jehanabad

1. Nirbhay Kumar @ Nirbhay Sharma S/o Late Khargu Singh R/o Vill- Shiv Nagar, P.s.- Karpi, Distt- Arwal
2. Sunil Kumar @ Anil S/o Late Khargu Singh R/o Vill- Shiv Nagar, P.S.- Karpi, Distt- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the Opposite Party/state	:	Mr.Abhay Kumar, APP
For the informant	:	Ms. Shyamli Kumari, Advocate
		Mr. Shashank Shekhar, Advocate
		Mr. Ayushi Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-01-2026 1. Heard the parties.

2. The petitioners have renewed their prayer for regular bail in connection with Karpi P.S. Case No. 49 of 2023 dated 16.02.2023 registered for the offence punishable under section 341, 323, 302, 504 , 506 / 34 of the I.P.C.

3. This is third attempt for regular bail on behalf of the petitioners inasmuch as their prayer for regular bail was earlier refused by this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 2455 of 2025 & 19822 of 2025.

4. As per the prosecution case on 15.02.2023 at about 5:00 P.M. the elder brother of the informant namely Upendra Sharma



came out of his house for taking milk and no sooner than he reached near the house of one Munna Kumar there petitioners and other accused persons armed with iron rod, lathi, danda attacked the elder brother of the informant. It has been alleged that petitioners along with other accused persons assaulted the elder brother of the informant on his head by lathi due to which he succumbed to the injuries.

5. Learned counsel for the petitioners submits that the allegation against the petitioners is general and omnibus in nature and as per the F.I.R. assault was allegedly made by petitioners by 'lathi' and not by iron rod. Both the parties are neighbours and there is land dispute between them. The petitioners are in custody since 27.11.2024 .

6. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that petitioners along with other accused persons brutally assaulted the brother of the informant leading to his death. The trial has almost completed and all the prosecution witnesses have been examined and the prosecution has closed its evidence. The case is fixed for defence witness. The trial is likely to be concluded within a short span of time.

7. Regard being had to the submissions made by the parties,



taking into consideration the fact the all prosecution witnesses have been examined, trial is fixed for examination of defence witness, if any, and there is no flight risk of the petitioners, accordingly, I am inclined to grant regular bail to the petitioners.

8. Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs.10,000 /- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned D.A.J.-IInd, Arwal in connection with Sessions Trial No. 226 / 2025 arising out of Karpi P.S. Case No. 49 of 2023 subject to the condition that the petitioners shall remain present before the trial court on each and every date and in case of default on two consecutive dates without prior permission of the trial court, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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