

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91171 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- JALALPUR District- Saran

-
1. Ashutosh Kumar @ Ashutosh Kunwar S/o Late Arun Kumar @ Late Arun Kunwar R/o Village - Kishunpur, P.S.- Jalalpur, District - Saran.
 2. Shubham Kunwar @ Pinku Kumar @ Subham Kumar S/o Satendra Kumar R/o Village - Kishunpur, P.S.- Jalalpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-01-2026 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. At the outset, learned Advocate for the petitioner submits at the Bar that during the pendency of the present application, the petitioner no. 1 has got arrested and, as such, he seeks permission to withdraw his application on his behalf.

3. Permission is accorded.

4. The petitioner no. 2 is apprehending his arrest in connection with Jalalpur P.S. Case No. 250 of 2025, registered for the offences punishable under Sections 126(5), 127(2), 115(2), 118(1), 109, 76, 303(2), 351(2) and 3(5) of the Bharatiya



Nyaya Sanhita, 2023.

5. Allegedly in the evening of the fateful day while the daughter of the informant was returning, in the meanwhile, all the FIR named accused persons including the petitioner no. 2 surrounded her and forcibly tried to took her away in a forest. When the same was protested, it is specifically alleged that co-accused Avinash Kunwar @ Chhotu assaulted her by means of *farsha* over her head, due to which she sustained head injury. The allegation against the petitioner no. 2 is of biting, besides further allegation against other accused persons of assault and snatching the valuable of the victim and from the elder daughter, who came to her rescue.

6. Learned Advocate appearing on behalf of the petitioner no. 2 referring to the injury report, the copy of which is placed on Annexure P/3 submits that the entire case falls to the ground for the simple reason that the victim has sustained only one injury over his head. There is no mark of biting over the body of the victim. The informant is not an eye witness to the alleged occurrence and even the impugned order does not suggest that the victim has made any specific accusation against the petitioner no. 2. It is further contended that in fact on



account of some previous dispute, some altercation took place, resulting into a small scuffle and unfortunate injury and thus, in order to settle the score, the present FIR came to be instituted. The petitioner no. 2 bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

7. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that serious allegation has been levelled against the petitioner no. 2 of biting the victim.

8. Regard being had to the submissions made on behalf of the parties and considering the injury report which does not *prima facie* support the allegation of biting, besides the fair antecedent of the petitioner no. 2, let the above named petitioner no. 2 be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran in connection with Jalalpur P.S. Case No. 250 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023



with the further condition that one of the bailors shall be the
own/close family members of the petitioner no. 2.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

