

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31127 of 2025**

Arising Out of PS. Case No.-138 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Jhuna Dubey @ Ratnakar Dwivedi @ Jhunu Dubey Son Of Late Lal Babu Dubey, R/o Village-Jatwaliya PS-Kundwa Chainpur District-East Champaran, Motihari.
 2. Guddu Dubey @ Pushpakar Dwivedi Son Of Late Lal Babu Dubey, R/o Village-Jatwaliya PS-Kundwa Chainpur District-East Champaran, Motihari.
 3. Shravan Kumar @ Shravan Kumar Dubey Son Of Late Lal Babu Dubey, R/o Village-Jatwaliya PS-Kundwa Chainpur District-East Champaran, Motihari.
 4. Gopal Dubey Son Of Late Babu Lal Dubey, R/o Village-Jatwaliya PS-Kundwa Chainpur District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
Mr. Sumit Kumar Gupta, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Kundwa Chain Pur P.S. Case No. 138 of 2024 registered for the offences punishable under Sections 189(2), 126(2), 115(2), 118(1), 109, 76, 303(2), 324(2), 352, 351(2) of the BNS, 2023.

3. Allegedly, on the fateful day, all the FIR named accused persons, including the petitioners armed with various



weapons surrounded the informant and her husband over pending land dispute and started abusing and assaulting them. On objection raised by the informant and her husband, petitioner no.2 caught hold the hair of the informant; whereupon petitioner no.1 assaulted her by means of knife. It is further alleged that when the husband of the informant tried to pacify the matter, thereupon petitioner no.4 and co-accused Ashok Dubey also assaulted him by means of iron rod over his head due to which he sustained serious injury.

4. Learned Advocate for the petitioners submitted that from perusal of the FIR, it appears that there is a long-standing dispute between the parties and, in fact, on account of such reason, both the parties were entered into a free fight. So far petitioners no.2, 3 and 4 are concerned, there is omnibus nature of allegation and the injury sustained by the husband of the informant, is found to be simple in nature.

5. Taking this Court through the injury report of the informant, it is further contended that she also sustained simple injury; though, there is a sharp cut wound on her forearm. He further contended that only on account of their past criminal antecedent, the learned Court below has refused to extend the petitioners on privilege of anticipatory bail; however, the



petitioners undertake that they will fully cooperate in the proceeding of the Court and would not indulge in such kind of activity in future.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that true it is that the injuries have been found to be simple in nature but the allegation of inflicting knife blow is corroborated from the injury report of the informant, who sustained a sharp cut injury over her forearm.

7. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the allegation as well as the injury report, this Court is inclined to enlarge the **petitioners no.2, 3 and 4 on pre-arrest bail**. They are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Sikrahana at Dhaka, East Champaran, Motihari in connection with Kundwa Chain Pur P.S. Case No. 138 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the



own/close family members of the petitioners.

8. So far petitioner no.1 is concerned, taking note of the specific allegation and his criminal antecedent, his prayer for grant of pre-arrest bail stands rejected.

9. In case, petitioner no.1 surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the same shall be considered on its own merit(s) without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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