

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69156 of 2025**

Arising Out of PS. Case No.-230 Year-2025 Thana- MADHUBAN District- East Champaran

1. Kundan Kumar, S/o- Raghuvansh Singh R/O Village - Madhopur, P.S- Madhuban, DIST. - East Champaran, Motihari
2. Amit Kumar S/O Nagendra Singh R/O Village - Madhopur, P.S- Madhuban, DIST. - East Champaran, Motihari

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shamir Mehra, Advocate

Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

2 26-09-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1- Kundan Kumar.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn with regard to petitioner no.1.

5. However, if the petitioner no.1 surrenders before the learned Court below within a period of four weeks and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the present order considering the



fact that the parties have compromised the matter.

6. Now, this application survives only for petitioner no.2.

7. Heard learned counsel for the petitioner and learned APP for the State.

8. The petitioner apprehends his arrest for the offences punishable under Sections 109, 126 (2), 115 (2), 303(2), 329 (3), 352, 351 (2), 351 (3) and 3 (5) of the B.N.S.

9. The allegation in the first information report is that all the accused persons including the present petitioners came to the house of the informant and petitioner no.1-Kundan Kumar assaulted on the head of the informant causing injury.

10. Learned counsel for the petitioner submits that as far as petitioner no.2 is concerned, there are general and omnibus allegations in the first information report and the specific allegation with regard to assault by means of Dabia is upon the petitioner no.1. It is further submitted that both sides are agnates and there is land dispute between the parties. Learned counsel for the petitioner further points to Annexure-P/2, which is a compromise between the parties showing restoration of good relations.

11. Learned APP for the State opposed the prayer for



bail on the ground that grievous injury has been suffered by the informant.

12. Taking into consideration the facts and circumstances of the case and considering the fact that no specific overt act has been attributed to petitioner no.2 and the present case has been filed on account of land dispute between the agnates, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below 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 the learned Court below where the case is pending/ successor Court in connection with Madhuban P.S. Case No.230 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the B.N.S.S.

(Soni Shrivastava, J)

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