IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44860 of 2026

Arising Out of PS. Case No.-44 Year-2024 Thana- Rasalpur District- Bhagalpur

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Pawan Kumar @ Pawan Kumar Yadav @ Pawan Yadav Son of Munnilal Yadav Resident of Village- Rampur, Kharhara Ekchari Ps- Rasalpur, Dist- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. N K Agrawal, Sr. Adv.
Mr. Indeshwari Prasad Mandal, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. J14 ptUSTICE HARISH KUMAR

ORAL ORDER

4 20-08-2026 Heard the learned Senior Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Rasalpur P.S. Case No. 44 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 354(B), 504 and 506 of the Indian Penal Code and Section ¾ of the Diyan Act and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that the husband of the informant had mortgaged 37.5 decimal of land to co-accused Bishundeo Yadav. A document of mortgage was also prepared with a clear stipulation that the land shall be released on payment of Rs. 50,000/-. On 17.05.2024, when her husband deposited Rs. 50,000/- to the said co-accused

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Bishundeo Yadav and asked for the mortgage document, he was threatened by co-accused Bishundeo Yadav and this petitioner. They have further demanded Rs. 50,000/- interest over the mortgaged amount. On protest, it is alleged that the petitioner catch hold the hair of the informant and thrashed her to the ground due to which she suffered serious injuries. When the husband of the informant tried to save her, the petitioner and co-accused brutally assaulted him with a sharp weapon due to which he also sustained injuries. There is further allegation against other co-accused persons, including the petitioner, of causing assault to informant and others by means of *lathi*, and they have also snatched the valuables.

4. Learned Senior Advocate adverting to the allegation levelled in the FIR contended that the genesis of the occurrence is nothing but a land dispute, which resulted into a scuffle, leading to injuries to persons of both the sides. Prior to institution of the present case, the mother of the petitioner had instituted Rasalpur P.S. Case No. 43 of 2024 against the informant and other family members, the copy of which is marked as Annexure-P/2. The allegation of causing assault and the institution of FIR under Section 307 and other allied sections of the Indian Penal Code does not get supported during the

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course of investigation, wherein the police has found the case true under Section 325 and other allied sections of the Indian Penal Code. Accordingly, the learned jurisdictional Court has also taken cognizance for the offences under Sections 323, 341 and 325 of the Indian Penal Code. Considering the factum of case and counter case and the nature of injury, the petitioner was also extended the benefit of Section 41(A) of the BNS. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the injury, which is specifically attributed to the petitioner with co-accused Rajesh Kumar, is reported to be grievous in nature and the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the genesis of the occurrence, besides the fact that the learned jurisdictional Court has taken cognizance of the offences under Sections 341, 323 and 325 of the Indian Penal Code and the petitioner is also carrying fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within

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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 J.M.F.C., Bhagalpur in connection with Rasalpur P.S. Case No. 44 of 2024, 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.

(Harish Kumar, J)

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