

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15185 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- ISMAILPUR District- Bhagalpur

SUMIT YADAV Son of Sri Bilash Yadav Resident of village - Fulkiya, P.S.-
Ismailpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2025 Heard Mr. Diwakar Upadhyaya, learned counsel for
the petitioner and Mr. Khurshid Anwar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Ismailpur P.S. Case No. 122 of 2024, F.I.R.
dated 15.11.2024 for the offences punishable under Sections
126(2), 118(2), 109(1), 303(2), 352 and 3(5) of the Bhartiya
Nyaya Sanghita (B.N.S.) 2023 and Section 27 of the Arms Act.

3. According to prosecution case, the informant,
Guddu Kumar, stated that on 14-11-2024 around 4:30 PM, after
an argument with Sumit Kumar near Chandisthan, he went
home. Later, while traveling to Naugachia with Gulshan Kumar,
six people on two motorcycles overtook and stopped his vehicle.
When he protested, Aman Yadav shot him in the abdomen and
took Rs.5,000 from his pocket. After the attack, the assailants



fled the scene.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner further submits that although the petitioner is named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against this petitioner, rather the specific allegation of assault/firing is attributed against the co-accused person namely, Aman Yadav. He further submits that the similarly situated co-accused persons namely Munna Yadav @ Munna Kumar and another have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 13.05.2025 passed in Cr. Misc. No. 8716 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner but fairly submits that nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Apart from that, there is no specific allegation of firing attributed against this petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and similarly situated co-



accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court and there is no specific allegation against this petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Naugachia (Bhagalpur) in connection with Ismailpur P.S. Case No. 122 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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