

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26862 of 2025

Arising Out of PS. Case No.-410 Year-2024 Thana- PARBATTa District- Khagaria

Piyush Kumar S/o- Subodh Yadav Resident of village- Muradpur Ward no 11
PS-Parbatts District- Khagadia

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Muskan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with A.B.P. No. 127 of 2025, Parbatta P.S. Case No. 410 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109, 352, 351(2), 303(2), 3(5) of BNSS and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others armed with weapon came and surrounded informant's husband alongwith her son and started abusing them. With an intention to kill the informant's son, co-accused Vineet Yadav and Sumit Yadav are said to have fired by means of country made pistol upon the informant's son as a result of which he sustained injury in his left hand.



4. Learned counsel for the petitioner submits from the perusal of FIR, it is appears that the occurrence took place on 10.09.2024 and the FIR was registered on 09.10.2024. There is inordinate delay of near about one months in lodging the FIR which creates doubt upon the authenticity of the prosecution story. He further submits that the specific allegation of assault is not attributed against the petitioner rather the allegation of assault is against co-accused Vineet Yadav, Sumit Yadav and Subodh Yadav. He further submits that petitioner is merely a member of mob and the allegation against the petitioner is general and omnibus in nature. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner by submitting that the role of the petitioner in the alleged occurrence cannot be outrightly rejected merely on the ground that petitioner is member of mob. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, no specific



allegation of assault is attributed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Parbatta P.S. Case No. 410 of 2024, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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