

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31817 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- RAJAPAKAR District- Vaishali

Abhinash Kumar @ Manish @ Avinash Kumar S/O Nagendra Singh Resident
of Village- Bahuara, P.S- Rajapakar (Baranti), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Rajapakar (Baranti) P.S. Case No. 17 of 2025, registered for the offences punishable under Sections 126(2), 115, 118(2), 303(2), 352, 351(2) of BNS, 2023.

3. Allegedly, while the informant along with his cousin was going to market, in the meanwhile, the petitioner along with five unknown persons surrounded them and this petitioner fired upon him but fortunately it did not hit to the informant and his cousin. It is further alleged that thereafter the petitioner along with others assaulted the informant by means of butt of the pistol due to which he sustained severe injuries.

4. Learned Advocate for the petitioner contended that the FIR has been instituted in the backdrop of long enmity,



inasmuch as earlier also the informant had lodged an FIR bearing Rajapakar P.S. Case No. 430 of 2024; in the said case, the police had apprehended the petitioner and severely tortured him in judicial custody. The mother of the petitioner aggrieved with the action of the police had filed a complaint before the Human Rights Commission bearing Case No. 243/C/2024 and, in fact, this is also one of the reason that the police in collusion with the informant got instituted the present case. Taking this Court though the impugned order, the learned Advocate for the petitioner further contended that the injury alleged to have sustained to the informant is found to be simple in nature. The petitioner undertakes before this Court that he will not indulge in intimidating and threatening of the informant and the witnesses.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioner has brutally assaulted the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence and the simple nature of injury and the delay in lodging of the FIR, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court



below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class cum Additional Munsif, Vaishali at Hajipur in connection with Rajapakar (Baranti) P.S. Case No. 17 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:

(i) that one of the bailors shall be the own/close family members of the petitioner and;

(ii) that in case the petitioner shall be found indulged in threatening and intimidating the informant and the witnesses, they are at liberty to file a proper application for cancellation of the bail bonds of the petitioner.

(Harish Kumar, J)

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