

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34961 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- SANDESH District- Bhojpur

1. Akash Kumar S/o- Rajesh Kumar @ Rajesh Gupta Village- Akhgaon Ps- Sandesh Dist- Bhojpur
2. Rajesh Gupta @ Rajesh Kumar S/o- Mahesh Gupta @ Mahasey Prasad Village- Akhgaon Ps- Sandesh Dist- Bhojpur
3. Isha Kumar @ Ishu Kumar S/o- Rajesh Gupta @ Rajesh Kumar Village- Akhgaon Ps- Sandesh Dist- Bhojpur
4. Golu Kumar S/o- Shashi Bhushan Singh Village- Akhgaon Ps- Sandesh Dist- Bhojpur
5. Mohan Kumar S/o- Dhela @ Loha Sah @ Kanhaiya Prasad Village- Akhgaon Ps- Sandesh Dist- Bhojpur
6. Dablo Kumar @ Dabloo Kumar S/o- Dhukheli Paswan @ Durkheli Paswan Village- Akhgaon Ps- Sandesh Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard Learned Counsel for the petitioners, Learned
APP for the State and learned counsel for the informant.

2. Learned counsel for the petitioners submits that during pendency of the present bail application, petitioner Nos.1 & 6 have been arrested. Therefore, he is not pressing anticipatory bail application for petitioner Nos.1 & 6.

3. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik



Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner Nos.2 to 5 who apprehend their arrest in connection with Sandesh P.S. Case No.12 of 2025 lodged on 16.01.2025, for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 303(2) and 109(1) of the BNS, 2023 read with Section 27 of the Arms Act.

4. As per the prosecution, FIR has been lodged against the petitioners with allegation that they have reached at the house of the informant at about 9.20 PM and kidnapped his brother who was coming with his friend from Ara. Subsequently on phone, when informant talked with him, he told that he is kidnapped by 4-5 accused persons on the basis of illegal weapon. The allegation of assault on the head and snatching locket and mobile are there against the accused persons also.

5. Learned Counsel for the petitioner Nos.2 to 5 submits that the petitioner Nos.2 to 5 are innocent and have committed no offence. Counsel also submits that brother of the informant who has initiated the crime with the sister of petitioner No.2 for which FIR has been lodged as Sandesh P.S. Case No.13 of 2025. He further submits that the name of the petitioners has figured in this case with a view to create pressure



upon them for not pursuing in the case which has been lodged by the petitioners' side against the informant's side.

6. Counsel submits that the criminal antecedent of the petitioner Nos.2, 4 & 5 are not clean. There is one case pending against them in which they are on bail and petitioner No.3 has clean antecedent. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the contents of FIR, it becomes crystal clear that kidnapping has been made by the petitioners on gun point and subsequently they have assaulted the informant's brother.

8. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioners' antecedent are not clean and there is specific allegation in the FIR against them.

9. Upon going through the FIR, it transpires to this Court that on the same date, 2 cases were lodged. One from the petitioners' side and another from informant's side and time of occurrence given by the petitioners' side is about 8-9 PM and by the informant's side is 9.20 PM. Upon going through the



consequent of the event, it transpires that firstly, the informant's side has caused occurrence and subsequently in retaliation, petitioners' side has commenced offence.

10. As such, in the present facts and circumstances of this case, let the above named petitioner Nos.2 to 5 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Bhojpur at Ara in connection with Sandesh P.S. Case No.12 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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