

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44228 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Rahul Kumar @ Rahul Singh S/o Rakesh Singh Resident of village- Kuwari
Madan, P.S.- Mejorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2025 Heard Mr. Ayush Kumar, learned counsel for the
petitioner and Mr. Akbar Ali, learned APP.

2. The petitioner apprehends his arrest in connection with Majorganj P.S. Case No. 44 of 2025 dated 07.02.2025 registered under Sections 191(2)/ 191(3), 126(2)/, 115(2)/, 118(1)/, 109/, 308(2)/, 334(1)/, 303(2)/, 324(4)/, 324(5)/, 352/, 351(2) of the BNS, 2023.

3. As per the prosecution case on 05.02.2025 at about 10:15 PM, while the informant was sleeping after taking meal, somebody knocked his door loudly, the door/shop was opened by the informant and the petitioner took one packet of cigarette and started to proceed from there. The informant demanded the price of the cigarette, upon which, the petitioner threatened him of dire consequences. In the meanwhile, informant's mother came and petitioner went away. After 15 minutes, all the FIR



named accused persons along with 5-7 unknown persons came armed with *lathi*, *danda*, iron rod and knife and started damaging the tractor, car and motorcycle of the informant. When the informant intervened, one co-accused, Rakesh Singh caught him and the petitioner gave knife blows upon the informant's neck and head due to which he received injuries on his hand and shoulder. The other accused persons entered into his shop and looted away the articles and also took away Rs. 30,000/- from his cash-box.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the fact that the informant had stolen away the motorcycle of the petitioner and when he had gone to his house to complain regarding theft of his motorcycle by the informant, he was abused and assaulted by the father and other family members of the informant. They also snatched the chain of the petitioner for which a Complaint Case No. 117 of 2025 has been lodged on 11.02.2025 for an occurrence which took place on 05.02.2025 for the reason that the police did not accept the FIR of the petitioner presented on 06.02.2025 before SHO, Majorganj. The FIR has been lodged after delay of two days on 07.02.2025. The petitioner has got no criminal antecedent and the injury report is



not available on record as stated by the learned District & 1st Additional Sessions Judge, Sitamarhi in paragraph-5 of the impugned order.

5. On the other hand, learned State counsel vehemently opposed the prayer for anticipatory bail.

6. Regard being had to the submissions made by the parties, taking into consideration the gravity of offence and the fact specific allegation against the petitioner of giving knife blows to the informant, I am not inclined to grant the privilege of anticipatory bail to the petitioner. The same is, hereby, rejected.

(Anil Kumar Sinha, J)

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