

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46355 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- WAJIRGANJ District- Gaya

1. Paras Singh son of Late Sakal Singh @ Sakaldeo Singh Village- Aru Ps- Wazirganj, Dist- Gaya
2. Pravesh Singh @ Buttu Singh son of Sakal Singh @ Sakaldeo Singh Village- Aru Ps- Wazirganj, Dist- Gaya
3. Karu Singh @ Chitranjan Kumar son of Ramesh Singh Village- Aru Ps- Wazirganj, Dist- Gaya
4. Vikash Singh @ Vikash Kumar @ Vikesh Kumar, @ Muksi son of Pravesh Singh @ Buttu Singh Village- Aru Ps- Wazirganj, Dist- Gaya
5. Harsh Kumar @ Kallu Son of Paras Singh Village- Aru Ps- Wazirganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Wazirganj P.S. Case No. 270 of 2025 registered for the offences punishable under Sections 126, 115(2), 109, 352, 329(3), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and another, armed with lathi, danda, sword and other arms reached at the



house of informant. It is alleged that co-accused Vikesh Kumar started abusing and firing from his unlicensed rifle upon the family members of the informant. It is alleged that all the accused have fired upon informant's nephew, namely, Harsh Kumar and somehow the informant's nephew escaped unhurt but became unconscious. It is further alleged that they have made firing with the intention to kill. It is alleged that the reason behind the occurrence is that accused tried to undress victim and record video of the same which was protested by the victim and he cried for help. It is alleged that when the informant's nephew Harsh Kumar reached there to rescue him, he was also abused and assaulted.

4. Learned counsel for the petitioners submits that there is case and counter case between the parties on the same date of occurrence and free fighting between the parties cannot be ignored. He further submits that the occurrence took place on 09.05.2025, the information was given to police on 11.05.2025 and it was sent before the Magistrate on 18.09.2025. The delay clearly indicates that the story itself questions the authenticity of prosecution story. He further submits that the occurrence is based on the incident of recording of obscene video of victim. He further submits that no FIR has been lodged, either by the



police or by the informant, regarding the alleged viral video of the molestation of victim. He further submits that petitioner has nothing to do with the alleged occurrence. He further submits that delay in lodging the FIR has not been explained which questions the authenticity of the FIR. He further submits that no injuries have been caused to anyone and only story has been framed just to make the offence graver. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioner nos. 1 and 2 bear criminal antecedent of two cases, petitioner nos. 3 and 4 bear criminal antecedent of one case and petitioner no. 5 bears no criminal antecedent and learned counsel orally submits that petitioner nos. 1, 2, 3 and 4 are on bail on their said cases. It has been orally submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that petitioners are FIR named accused persons and they cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Wazirganj P.S. Case No. 270 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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