

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47380 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Vivek Kumar Singh S/o Aashni Singh @ Ashnarayan Singh, Resident of
Village- Mathiya Pandey, PS- Kuchaikote, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Swarnima, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-11-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No.92 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 117(1) and 3(5) of the BNS.

3. Allegedly, on the fateful day, while the informant's nephew was going to his aunt's house at Matihinia after withdrawing rupees one lac from the Bank, in the meanwhile, altogether seven miscreants surrounded him at gun point and attacked him with knives on his stomach and back. It is specifically alleged that all the accused persons had covered their faces but during the incident his nephew identified two persons, namely, Ayush Kumar Pandey and Vivek Kumar Singh



(petitioner). Said Ayush Kumar Pandey also took out rupees one lac and assaulted him with the butt of the pistol.

4. Learned Advocate for the petitioner contended that, in fact, on account of previous enmity, the name of the petitioner has been implicated. Falsity of the case is also writ large that in the restatement, the informant improvised the prosecution case by alleging that it is the petitioner who had also assaulted his nephew by means of knife over his backside, which is not the prosecution case at the initial stage. It is next contended that, in fact, on the alleged date of occurrence, he was not even present and since the informant and the petitioner was supporting different party in previous Lok Sabha Election, the reason for false implication cannot be ruled out. The petitioner though has one criminal antecedent but the same is of trivial nature and he is on bail in that case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that not only the petitioner was identified while he was committing loot; he was one of the persons, who stabbed the informant's nephew over his backside. Out of six injuries, one of them have been found to be grievous in nature.

6. Having considered the submissions advanced by



the learned Advocate for the respective parties and taking note of the materials available on record, especially the identification of the petitioner by the nephew of the informant, coupled with six injuries mostly caused by sharp edged weapon as also the restatement of the informant during the course of investigation, this Court is not acceded to the prayer for bail of the petitioner. Accordingly, his prayer is rejected.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and seeks regular bail, the same shall be considered and disposed off on its own merit(s) without being prejudiced by this order.

(Harish Kumar, J)

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