

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56688 of 2025

Arising Out of PS. Case No.-356 Year-2025 Thana- ARA NAGAR District- Bhojpur

1. Chandan Singh @ Akash Kumar @ Akash Kumar Singh S/o- Vijay Singh Village- Majhaua PS- Ara Town District- Bhojpur
2. Vikash Singh @ Vikash Kumar Singh S/o- Vijay Singh Village- Majhaua PS- Ara Town District- Bhojpur
3. Ayush Singh S/o- Mukesh Singh Village- Majhaua PS- Ara Town District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Ara Town P.S. Case No. 356 of 2025 registered for the offences punishable under Sections 126(2)/115(2)/109/3(5) of BNS and Section 27 of Arms Act.

3. As per prosecution case, motor parts shop of informant was situated at Paricharini Mod, Ara and Sonu Yadav is an employee in his shop. It is alleged that on 29.05.2025 a scuffle took place between Durgesh Tiwary, friend of Sonu Yadav and on the said scuffle, on 30.05.2025 at Majhawa



embankment, petitioners and others including Durgesh Tiwary were fighting. It is alleged that informant alongwith Sonu Yadav reached at the place of scuffle and tried to pacify the matter. It is alleged that all the accused persons started assaulting the informant and Sonu Yadav. It is alleged that one of the accused persons assaulted the informant and Sonu Yadav by means of fighter as a result of which informant sustained injuries and Sonu Yadav sustained injuries on his head, chest and back. Thereafter, informant and Sonu Yadav stated fleeing away to save themselves. Thereafter, petitioners started firing as a result of which Ashish Kumar Singh sustained injury in his leg.

4. Learned counsel for the petitioners submits that the informant and Sonu Yadav are the eye witness of the alleged occurrence and the victim Ashish Kumar Singh is the injured victim of the said occurrence. He further submits that the informant, Sonu Yadav and injured victim have divergent views regarding the assault. He further submits that the allegation of firing is against the petitioners and only one injury is found upon the victim and victim himself has not identified the assailants. He further submits that informant and Sonu Yadav both are present at the place of occurrence but both have their different views regarding the assault. He further submits that



only one gun shot injury was found upon the victim and there are three assailants of firing and no firing material was recovered from the place of occurrence. In this way, the allegation of firing against the three petitioners put question mark upon the authenticity of the FIR. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. 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 there is allegation of firing against the petitioners and the injury report of injured corroborated the allegation made in FIR. Hence, petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, allegation of firing is attributed against three petitioners and only one fire arm injury was found upon the victim which does not corroborate the allegation of firing against three petitioners, 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, Ist Class, Bhojpur at Ara in connection with Ara Town P.S. Case No. 356 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 petitioners.

(Alok Kumar Pandey, J)

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