

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61249 of 2025

Arising Out of PS. Case No.-314 Year-2024 Thana- KHIJARSARAI District- Gaya

Sunil Kumar Son of Dinesh Mahto R/o Village - Pacmahala, P.S. -
Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Mrigendra Kumar, Advocate
For the State : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 110, 352, 351(2) and 3(5) of the B.N.S..

3. The prosecution case, in brief, is that on 10.10.2024 around 9:30 PM, while informant was sleeping, he heard some noise and upon waking up, he saw all the F.I.R. named accused persons, including this petitioner, were trying to remove the motor and on objection, all of them assaulted informant by means of stick. It is further alleged that when son of informant, namely Birendra Yadav, came to rescue him, he was also assaulted. Doctor has found the injuries sustained by the injured to be grievous in nature.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. The present F.I.R. has been lodged after inordinate delay of 6 days and there is no plausible explanation for the same which itself falsifies the entire prosecution case. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this petitioner. After investigation, charge-sheet has been submitted against other co-accused persons, however, final form was submitted against this petitioner and differing with the same, the learned trial court took cognizance. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Khizarsarai P.S. Case No. 314 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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