

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62238 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vivek Kumar @ Vivek Kumar Rai S/O Visheshwar Ray R/O Vill.- Chakla,
Ward No. 1, P.S.- Mohiuddin Nagar, District- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Mohiuddin Nagar P.S. Case No. 68 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109(1), 303(2), 351(2), 351(3), 352, 3(5) of the B.N.A.

3. As per prosecution case, co-accused Navneet Kumar Sah, with intention to kill, assaulted on the head of the informant by the butt of pistol, as a result of which informant sustained injury. It is further alleged that accused Vivek Kumar (petitioner) pointed pistol on the head of the informant and threatened to kill. It is further alleged that co-accused Navin Kumar and Avinash Kumar assaulted on both legs of the



informant by means of iron rod as a result of which informant sustained injury on his legs. It is further alleged that when uncle of the informant came to pacify the matter, all the accused persons brutally assaulted him by means of iron rod, as a result of which he sustained injury on his left hand.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. There is no specific overt act of assault against the petitioner, rather the only allegation levelled against him is that he pointed pistol on the head of the informant and threatened him. In the light of the aforesaid, no offence as alleged in the F.I.R. is made out against the petitioner. Petitioner bears criminal antecedent of three cases. Learned counsel orally submits that petitioner is on bail in all the three cases.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has participated in the alleged occurrence and he cannot escape from the liability of the allegations levelled in the first information report.

6. Considering the facts and circumstances of the case, there is no specific overt act of assault against the



petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender 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 Sub Divisional Judicial Magistrate, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 68 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S. .

7. The application stands allowed.

(Alok Kumar Pandey, J)

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