

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85932 of 2024**

Arising Out of PS. Case No.-688 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Rahul Kumar S/O Dinesh Prasad R/O Village- Bhojpurawan, P.S-
Manjhagarh, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Shekhar, Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Gopalganj P.S. Case No. 688 of 2024, dated 25.09.2024,
lodged under Sections 126(1), 115(1), 118(1), 109(1), 303(1),
352, 351(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023
(hereinafter referred to as “BNS, 2023”)

3. As per the prosecution, FIR has been lodged on
22.09.2024 at about 08:30 PM, while the informant was sitting
near his water plant, the petitioner with unknown person arrived
there on a Bullet motorcycle, intercepted the motorcycle near
the water plant of the informant, started smoking cigarettes and
making nuisance. When the informant objected, petitioner and



other accused persons started abusing, threatening and assaulting the informant. It has further been alleged that Akash Kumar, the informant's brother-in-law, arrived at the place of occurrence to intervene but was assaulted by the accused. Specific allegation against named accused persons is that they inflicted knife blow on the head of the informant, due to which, he sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the name of petitioner has not figured in this case. Subsequently, during investigation, the police has found that the petitioner is the unknown person who came with motorcycle with other accused persons. Counsel also submits that the other co-accused persons against whom there is direct allegation of assault has been granted anticipatory bail by Co-ordinate Bench of this Court *vide* order dated 04.02.2025 passed in Cr. Misc. No. 87900 of 2024. He also submits that antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the petitioner's name is not there in the FIR, but subsequently, his name has figured in this case only due to the reason that he is



the owner of the said motorcycle.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case No. 688 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Sudhanshu/-

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