

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82693 of 2025

Arising Out of PS. Case No.-303 Year-2025 Thana- TEKARI District- Gaya

Chhotu Kumar @ Rohit Kumar S/O Laattu Kumar @ Laddu Kumar R/O
Vill.- Rikabganj Chakiyapar, P.S.- Tekari, Dist.- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Tekari P.S. Case No. 303 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 351(2), 351(3), 3(5) of the BNS.

3. In the morning of the fateful day, while the informant along with his family members were going to his village on his vehicle, in the meanwhile, they were intercepted by the petitioner and others, who started abusing. When protest was raised, it is alleged that the petitioner along with one Golu Kumar assaulted the informant by means of knife due to which he sustained a cut injury over his head.

4. Learned Advocate for the petitioner submits that from a bare reading of the FIR it is not clear that as to who



assaulted the informant by means of knife; only on account of his three criminal antecedent, the learned court below has negated the prayer for anticipatory bail. Moreover both the parties are engaged as fruit vendors and because of some trivial reason, the occurrence took place resulting into some unfortunate injuries. The injury alleged to have been received by the informant is simple in nature.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that though the injury is said to be simple in nature but the petitioner bears three criminal antecedent and, as such, for this reason alone, the petitioner does not deserve the privilege of anticipatory bail. Moreover, another accused person, who also assaulted the informant, has been granted regular bail by the court below.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the criminal antecedent of the petitioner, besides the fact that one of the co-accused person facing identical allegation has been granted privilege of regular bail, this Court is not acceded to the prayer for anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail to the petitioner stands rejected.



7. However, if the petitioner surrenders before the court below, preferably within a period of four weeks, his prayer for bail shall be considered without being prejudiced by the order of this Court taking note of the fact that another co-accused person having identical allegation has been allowed regular bail by the court below itself.

(Harish Kumar, J)

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