

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2952 of 2026

Arising Out of PS. Case No.-153 Year-2025 Thana- MIRGANJ District- Purnia

Md. Sakib Son of Md. Kamil Resident of Village- Rangpura, P.S.- Mirganj,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 126(2), 115(2), 109 and 117(2) of the B.N.S.

3. The allegation in the First Information Report is that 30-40 persons assaulted the informant's brother Chhotu Kumar regarding some video causing injuries to him as well as others.

4. Learned counsel for the petitioner submits that the First Information Report itself would make it apparent that there was a dispute with Chhotu Kumar on account of which 30-40 persons had assembled and who also indulged in assaulting the informant's father, mother and brother and one Abhiram Kumar



was also assaulted. Name of the petitioner has been specifically taken amongst the persons who assaulted but there is no specific allegation of assault upon a person attributed to him rather the allegations are clear that all 30-40 persons had generally assaulted the informant's family members. The order rejecting bail indicates while Abhiram Kumar and Ahila Devi, mother of the informant, received simple injuries, the injuries of three persons were kept reserved. It has been argued that the allegations do not disclose any assault upon one of the injured, namely Nageshwar Mandal. It is thus submitted that in absence of any specific allegation being attributed to any person where an act of assault is committed by a mob, it is difficult to fix the responsibility and moreover, the offence under Section 109 of B.N.S. would not be made out in the facts and circumstances.

5. Learned APP for the State opposed the prayer for anticipatory bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the general and omnibus nature of allegations which discloses an act of assault by a mob of more than 30-40 persons, but in absence of any specific allegation of assault upon a person causing injury, let the above



named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mirganj P.S. Case No. 153 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to further condition(s):

- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Soni Shrivastava, J)

anand/-

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