

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6451 of 2026

Arising Out of PS. Case No.-135 Year-2025 Thana- PHULWARIYA District- Gopalganj

Ashwani Kumar Singh @ Ashawani Kr. Singh Son of Late Anil Singh @ Anil Kumar Singh Resident of village - Rampur Kala, P.S.- Phulwariya, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-02-2026 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Fulwariya P.S. Case No. 135 of 2025 registered for the offence(s) under Section(s) 126(2), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. The allegation against the petitioner is that he along



with other named accused persons had assaulted the brother and son of the informant with *farsa* and sword.

4. The learned counsel for the petitioner submits that the present case has been lodged with false and concocted story and the very fact that the petitioner is alleged to have assaulted with sword gets falsified from the perusal of the nature of injury, which has been caused by hard and blunt substance and the same was found to be simple in nature. It has been submitted that due personal differences, the present false and vexatious case with concocted story has been lodged against the petitioner and others. It has further been submitted that the petitioner had in fact lodged a complaint case against the son of the informant and others for an offence that took place on 09.07.2025. It has lastly been submitted that though the petitioner has four criminal cases against his name, but most of them are instituted for the offences under the Bihar Prohibition and Excise Act.

5. The 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 and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in



the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Fulwariya P.S. Case No. 135 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(v) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent



of Police, Gopalganj within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.
8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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