

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7390 of 2026

Arising Out of PS. Case No.-175 Year-2025 Thana- Babarganj District- Bhagalpur

1. Akash Kumar Son of Rajesh Kumar Sah @ Rajesh Sah R/o Village/ Mohalla- Kalisthan Domasi Road, Mohar Teli Lane, Ward No. 42, P.S.- Babarganj, District- Bhagalpur
2. Ankit Kumar Son of Rajesh Kumar Sah @ Rajesh Sah R/o Village/ Mohalla- Kalisthan Domasi Road, Mohar Teli Lane, Ward No. 42, P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 117(2), 303(3), 109, 352, 351(2) and (3), 3(5) of the B.N.S.

3. Allegation in the first information report is that all the accused persons including the present petitioners came variously armed and indulged in abuses and assault causing injuries.

4. Learned counsel for the petitioners submits that the allegations against the petitioners are by and large general and



omnibus and as many as 5 persons of the same family have been made accused. It is submitted that the allegation against the petitioner no. 1 is that he was armed with a pistol, however, the very fact of none use of pistol for the purposes of firing indicates that the allegation of Section 109 of the BNS would not be made out as there could not have been intention to kill. It is further submitted that so far as the petitioner no. 1 is concerned, he is said to have assaulted the informant by the butt of the pistol but the injury reports of both the injured persons would show that they have sustained simple injuries. So far as petitioner no. 2 is concerned, there is no specific allegation of assault upon him and the main allegation of assaulting Amit Kumar causing grievous injuries to him is imputed upon co-accused Rajesh Sah.

5. Learned APP for the State has opposed the application for anticipatory bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the allegations against petitioner no. 2 are general and omnibus in nature and the allegation imputed against petitioner no. 1 does not involve causing of any grievous injury coupled with the fact that thrust of the allegations is against Rajesh Sah, let the above named



petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on 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 the learned court below where the case is pending/successor court in connection with Babarganj P.S. Case No. 175 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the conditions that:

(I) One of the bailors would be the family member or relative.

(II) The petitioners would cooperate in the investigation/trial and if the petitioners do not cooperate, the learned court below would be at liberty to cancel their bail bonds.

(Soni Shrivastava, J)

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