

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10448 of 2026

Arising Out of PS. Case No.-469 Year-2025 Thana- VAISHALI District- Vaishali

Kunal Kumar S/o Vinay Kumar @ Vinay Kumar Singh R/o Village-
Shahjahanpur, P.S- Vaishali, Dist- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the State : Mr. Aditya Narayan Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Vaishali P.S. Case No. 469 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 109, 3(5) of B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, informant is posted as headmaster in Primary School, Shahjahanpur and the petitioner used to taunt/ pass comments against the informant's son and on account of said reason, hot discussion took place between two sides. It is alleged that petitioner along with three unknown persons on two motorcycles came at the door of informant and started abusing and assaulting by means of fists and slaps. It is further alleged that petitioner with intention to kill the informant fired twice with pistol but anyhow the informant escaped. On



raising alarm, nearby people came and accused persons fled away giving threat. It is further alleged that two empty cartridges (khokha) were found at the door of informant which was handed over to the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Learned counsel further submits that petitioner and informant are co-villagers and they are well acquainted with each other and just on the basis of acquaintance petitioner made comments against the informant's son which was not liked by the informant. Learned counsel further submits that the very genesis of the case arose on account of passing comments and taunting and petitioner has no intention to kill the informant. The very narration of prosecution story as stated by the informant is without having any basis as the distance between the thana and place of occurrence is only 5 km. Learned counsel further submits that the alleged occurrence took place on 06.07.2025 at 9:00 PM and the FIR was lodged on 07.07.2025 at 11:45 hours and said delay has not been properly explained despite there being a comparatively shortest distance from the place of occurrence to thana and the alleged recovery of two empty cartridges (khokha) is merely a production-cum-seizure



list whose authenticity is already in question as there is delay in lodging the FIR. The real fact is that informant felt humiliated just because of the taunting habit of the petitioner and informant just to keep the mouth of petitioner mum for all times to come has taken the extreme step of lodging the present FIR showing the recovery of two empty cartridges (khokha) from the place of occurrence. Learned counsel further submits that though distance of thana from the place of occurrence is only 5 km and 12 hours has been spent in lodging the FIR which clearly reflects how the story of prosecution has been prepared to implicate the petitioner. Learned counsel at para-12 has submitted that no injury has been caused to any person. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. Apart from that, petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is allegation against the petitioner who fired twice with pistol upon the informant and production-cum-seizure list supported the story of prosecution and hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioner, no one has sustained any injury in the alleged occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class (Court No. 5), Vaishali at Hajipur in connection with Vaishali P.S. Case No. 469 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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