

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10459 of 2026

Arising Out of PS. Case No.-478 Year-2025 Thana- PANCHRUKHI District- Siwan

1. Ayush Mishra @ Ayush Kumar S/o Mukesh Mishra R/o vill - Matuk Chhapra, P.S.- Sarai, O.P, Distt.- Siwan
2. Surendra Mishra @ Surendra Mishra S/o Late Ramashish Mishra R/o vill - Matuk Chhapra, P.S.- Sarai, O.P, Distt.- Siwan
3. Mukesh Mishra S/o Late Kanchan Mishra R/o vill - Matuk Chhapra, P.S.- Sarai, O.P, Distt.- Siwan
4. Sonu Mishra @ Sonu Kumar Mishra S/o Surendra Mishra R/o vill - Matuk Chhapra, P.S.- Sarai, O.P, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with G.R. No. 7272 of 2025 arising out of Pachrukhi P.S. Case No. 478 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 303(2), 109, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita.

3. As per prosecution case, during preparation of Chhath festival, due to previous enmity, petitioner no. 1 Ayush Mishra threw a bomb, as a result of which smoke spread and the



informant fell down on account of fear. It is further alleged that petitioner no. 2 Surendra Mishra pressed the neck of the informant with intention to kill him. It is further alleged that petitioner no. 3 Mukesh Mishra assaulted Santosh Shukla on his head by means of rod with intention to kill and petitioner no. 4 Sonu Mishra assaulted Ashok Shukla by means of *Daki*.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the F.I.R. and they have falsely been implicated in this case due to previous dispute and village politics. Learned counsel for the petitioners submits that occurrence took place on 27.10.2025 and the F.I.R. lodged on 28.10.2025 and there is a delay of one day without any explanation which questions the authenticity of F.I.R. He further submits that though there is allegation of throwing bomb by petitioner No.1, but as a matter of fact only crackers are used on the festive occasion of *Chhath* and the allegation of throwing bomb is merely an exaggeration of fact, which has no basis. It is further submitted that there is specific allegation against petitioner nos. 1, 2, 3 and 4 for inflicting injury upon the informant as well as victim namely, Santosh Shukla and Ashok Shukla and their injuries are simple in nature caused by hard and blunt substance. He further



submits that there is no allegation of repetition of blow against any of the petitioners on the vital part of body. He further submits that there is case and counter case between both the parties. Apart from that, petitioners bear no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no offence, as alleged in the F.I.R., is made out against the petitioners. Learned counsel orally submits that the petitioners will not abscond and shall fully cooperate in the investigation to prove their innocence.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are F.I.R. named accused persons, hence, they do not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view the clean antecedent of the petitioners, injuries are simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction



of learned concerned court at Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 478 of 2025, subject to the conditions as laid down under Section 482(2) of 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 petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is clarified that any observation made by this Court while considering the bail application of the petitioners shall have no bearing over the merits of the case.

(Alok Kumar Pandey, J)

Nilmani/-

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