

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10537 of 2026

Arising Out of PS. Case No.-1406 Year-2025 Thana- PHULWARISHARIF District- Patna

Banti Kumar Son of Binod Rai @ Vinod Ray Resident of Village- Chakmusa,
Muradpur, Ward No. 11, Bhusaula, Danapur, P.S.- Jaanipur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Vivek, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Phulwarisharif P.S. (Jaanipur) P.S. Case No. 1406 of 2025 lodged on 27.08.2025, for the offence punishable under Sections 126(2), 115(2), 109, 74, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. It has been alleged in the FIR that the petitioner entered in the house of the informant and started abusing her and also tried to outrage her modesty. It has also been alleged that on the instigation of other accused persons, the petitioner has attacked the informant by iron rod on her head due to which, she became



unconscious. Subsequently, the petitioner fled away and also threatened the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the alleged occurrence took place on 23.08.2025, but the FIR has been lodged on 27.08.2025 i.e. after a delay of about four days. The said delay has not been explained. He further submits that the cause has also not been stated in the FIR as to why the allegation has been made against the petitioner. But, he submits that in the rejection order, a categorical stand has been taken by the petitioner that he has given loan to the informant's family and when the petitioner put pressure for refund of the loan amount, then the informant's side has filed false case against the petitioner and other relatives. Counsel further submits that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that from the record, it transpires that the alleged occurrence took place on 23.08.2025, but the FIR has been lodged on 27.08.2025 i.e. after a delay of about four days and the said delay has not been explained.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on



anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Additional Chief Judicial Magistrate-IV, Patna, in connection with Phulwarisharif P.S. (Jaanipur) P.S. Case No. 1406 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. The Trial Court is directed to verify the criminal antecedent(s) of the petitioner, and in case, it is found at any stage that the petitioner has concealed the fact about his criminal antecedent(s), the Trial Court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J)

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