

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21674 of 2026

Arising Out of PS. Case No.-111 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1. Kundan Kumar S/o- Shyamsundar Yadav Village- Raghapur PS- Bakhtiyarpur Distt- Patna
2. Prabhat Kumar S/o- Pramod Kumar R/v- Mehdi Nagar Bankat Ps- Baruraj Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar @ Sanidh, Advocate Mr. Shashank Shekhar, Advocate Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Vishambharpur P.S. Case No. 111 of 2024 lodged on 12.08.2024, for the offence punishable under Sections 126(2), 115(2), 118(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the court of J.M. 1st Class, Gopalganj. Subsequently, section 109 of the BNS was added in the charge sheet against the petitioners.

3. As per the prosecution, FIR has been lodged against two named accused persons (both the present petitioners) and three unknown persons. It has been alleged in the FIR that while the informant was sitting in his college canteen, both the



petitioners along with three unknown persons, arrived there and started abusing him. When the informant protested, petitioner no. 1 attacked him on the head with a knife, due to which, injury has been caused.

4. Learned counsel for the petitioners has specifically pleaded in para 14 that before submission of charge sheet, petitioners have voluntarily surrendered in the court below on 28.11.2024 and they have been granted bail by the court below itself, but subsequently, police has submitted the charge sheet against the petitioners under sections 126(2), 115(2), 118(1), 109, 352 & 3(5) of the BNS, 2023 and the court below took cognizance against the petitioners on 07.04.2025 under sections 126(2), 115(2), 118(1), 109, 352 & 3(5) of the BNS, 2023 and also issued summons against the petitioners. It has also been pleaded that due to wrong advice, the petitioners have filed anticipatory bail before the court below which was dismissed and now, the petitioners have apprehension that if, they appear before the court below without securing anticipatory bail, they may be send behind the bar.

5. Learned APP for the State, on the other hand, submits that in the rejection order dated 20.12.2025 passed by the Principal Sessions Judge, Gopalganj in A.B.P. No. 1991 of



2025, this fact has not been discussed that the petitioners have earlier surrendered before the court below and was granted bail on 28.11.2024 and subsequently, section 109 of the BNS has been added in the charge sheet in which, cognizance has been taken.

6. The fact which has been discussed in the present criminal miscellaneous application has not been discussed anywhere in the impugned order passed by the Principal Sessions Judge, Gopalganj in A.B.P. No. 1991 of 2025. Therefore, this Court hereby grants liberty to the petitioners to raise this point before the Principal Sessions Judge, Gopalganj, who is directed to pass order afresh in A.B.P. No. 1991 of 2025 in the present facts and circumstances which has been discussed in para no.14 of the present criminal miscellaneous application about which, there is no whisper in the said order dated 20.12.2025.

7. Accordingly, with the aforesaid direction, this bail application stands disposed off.

(Dr. Anshuman, J)

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