

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25092 of 2026

Arising Out of PS. Case No.-194 Year-2025 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Santosh @ Santosh Kumar S/o Pankaj Mandal R/o village- Lailakh
Mamalkha, P.S.- Sabour, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagalpur Rail P.S. (Bhagalpur G.R. P.S.) Case No.194 of 2025 registered for the offences punishable under Sections 109, 132, 190, 191(2), 191(3), 61(2), 324(4), 352, 238 of the BNS and Section 153 of the Railway Act.

3. On the alleged date and time of occurrence, while the informant, along with other police personnel, was engaged in escort duty at the platform, they allegedly noticed two or three persons unloading certain sacks containing illicit liquor. When the police party attempted to apprehend them, the said persons allegedly called out the names of their associates. Upon such call, several other persons, including the petitioner, allegedly assembled at



the place of occurrence and started pelting stones at the police party, as a result of which three police personnel sustained injuries.

4. Learned Advocate for the petitioner, referring to the F.I.R., submitted that the very identification of the petitioner appears to be wholly unfounded and without any basis, inasmuch as his name has surfaced merely because the persons initially spotted at the place of occurrence allegedly called out his name. It is contended that the F.I.R. has been instituted against nine named accused persons, including the petitioner, besides 15 unknown persons, without attributing any specific overt act to the petitioner. It is further submitted that no incriminating article has been recovered either from the possession of the petitioner or from the place of occurrence, and there is no independent witness supporting the prosecution case. It is lastly contended that one of the co-accused persons having similar allegations has already been accorded the privilege of anticipatory bail by a learned Coordinate Bench of this Court vide order dated 23.04.2026 in Criminal Miscellaneous No. 23813 of 2026. The petitioner bears clean antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that the petitioner, along with the other accused persons, ransacked railway property and pelted stones at the



police party, causing injuries to three police personnel.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the omnibus nature of the allegations, the absence of any specific overt act attributed to the petitioner, coupled with the fact that no incriminating material has been recovered, besides the case of the petitioner stands on the same footing as that of the co-accused who has already been extended the privilege of anticipatory bail as well as the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-Railway Magistrate, Bhagalpur in connection with Bhagalpur Rail P.S. (Bhagalpur G.R. P.S.) Case No.194 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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