

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26290 of 2026

Arising Out of PS. Case No.-264 Year-2025 Thana- AWTARNAGAR District- Saran

Chhote Sarkar S/O Kanahaiya Singh R/O Vill.- Sakhnauli, P.S.- Awatar
Nagar, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. This is the second attempt made on behalf of the
petitioner for grant of anticipatory bail in connection with Awtar
Nagar P.S. Case No. 264 of 2025, registered for the offences
punishable under Sections 126(2), 118(1), 109, 351(2), 352 and
3(5) of the B.N.S., 2023.

3. The prayer for bail of the petitioner was earlier
negated by this Court vide order dated 27.11.2025, considering
the specific nature of accusation against the petitioner causing
dabia blow over the head of the informant, due to which he
sustained grievous injury.

4. Learned Advocate appearing on behalf of the



petitioner taking this Court through the final form report bearing no. 405 of 2025 dated 27.12.2025, submitted that during the course of investigation, the police has found no material against the petitioner and accordingly, has not sent up him for trial. However, he fairly submitted that differing with the final report, now cognizance has been taken. It is also submitted that since subsequent development has taken place in the matter and, as such, this subsequent application, has been filed in changed circumstances. He further submits that other co-accused persons have been extended the privilege of anticipatory bail by this Court and in view, thereof, the petitioner also deserves similar relief.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the FIR clearly suggests that the informant in his *fardbeyan* categorically stated that it is the petitioner, who has assaulted over his head by means of dabia, which led to grievous injury. All the more, now cognizance has been taken for the offences alleged in the FIR, besides the petitioner is carrying three criminal antecedent over his head.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of



the averments made in the bail application as also the subsequent development that the police has submitted final form, showing the petitioner as innocent, but this fact cannot be denied that the learned jurisdictional Court below differing with the charge-sheet has taken cognizance of the offences, as alleged in the FIR, besides the fact the petitioner is carrying three criminal antecedent.

7. This Court is not acceded to the prayer for anticipatory bail of the petitioner. Accordingly, the bail application stands rejected.

8. However, it is made clear that if the petitioner surrenders before the Court, preferably within a period of four weeks, from today; his prayer for regular bail shall be considered forthwith without being pre-judiced by the order of this Court and taking note of the submissions led by the petitioner, hereinabove.

(Harish Kumar, J)

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