

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28843 of 2026

Arising Out of PS. Case No.-975 Year-2025 Thana- MOTIHARI District- East Champaran

Vishal Kumar @ Bittu S/o Sri Krishna Kumar R/o Mohalla - Jamla Road near
Balaji Chiura Mill, P.S. - Motihari Town.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 17-06-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 975 of 2025, F.I.R dated 29.09.2025 registered for the offences punishable under Sections 126 (2), 109 (1), 303 (2), 352 (2), 351 (2), 3 (5) of the Indian Penal Code / Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 28.09.2025 the informant and his son Sanjeev Kumar were sitting at their shop and the petitioner with his father, brothers and 5-7 other unknown persons came to the informant's shop and hurled filthy abuses and upon protest, attempt was made to hit the informant and his son with the sword, *belcha* and *danda* causing injury on the head of the informant and injury on the right hand of the son



of the informant. The nephew of the informant was also assaulted causing injury on the head during the course of saving the informant. Thereafter, all the accused entered into the shop of the informant and took Rs. 35,000/- from the cash box and also threw articles of the shop causing loss of 10-15 thousand. Thereafter, the informant and other injured were treated in Sadar Hospital wherefrom the doctor referred the informant's son and nephew for better treatment.

4. Learned counsel for the petitioner submits that there is a case and counter-case and the allegation of assault made by this petitioner is in respect of Mr. Kishu Kumar, nephew of the informant. It is also submitted that the injury sustained is not on the vital parts and is simple in nature. It has next been submitted that out of 05 accused persons 04 have already been granted anticipatory bail by the learned trial court itself. The petitioner has falsely been implicated in this case and has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts that out of five accused persons four have already been granted anticipatory bail by the learned trial court itself and the fact that the nature of injury is



found to be simple and the petitioner has got clean antecedent, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. East Champaran, Motihari in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without



*plausible reason will entail
cancellation of his/her/their bail bond
by the Trial Court itself;*

*(iii) the petitioner(s) shall in
no way try to induce or promise or
threat the witnesses or tamper with the
evidences, failing which the State
shall be at liberty to take steps for
cancellation of the bail bonds;*

*(iv) the petitioner(s) shall
desist from committing any criminal
offence again, failing which the State
shall be at liberty to take steps for
cancellation of their bail bonds.*

(Ajit Kumar, J)

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