

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29206 of 2026

Arising Out of PS. Case No.-396 Year-2025 Thana- BAIRIYA District- West Champaran

Abhishek Kumar S/o Harilal Ram R/o - Village - Tilangahi Math, P.S-
Bairiya, District- West Champaran, Bettiah (Bihar), PIN- 845438

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-07-2026 Heard Mr. Ajay Kumar, learned Advocate for the
petitioner through virtual mode and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bairiya P.S. Case No.396 of 2025 registered for the
offences punishable under Sections 308(4) and 308(5) of the
BNS.

3. Based upon the written report, the prosecution
alleges that the informant was invited by co-accused Prince
Kumar and Ajit Kumar to Patna on the pretext of a business
transaction. Acting upon such invitation, the informant travelled
from Mumbai to Patna and stayed there for about a week. It is
alleged that during this period, the petitioner, along with the
other co-accused persons, assaulted the informant and snatched
Rs.22,000/- in cash. It is further alleged that an amount of



Rs.5,000/- was fraudulently transferred through PhonePe by scanning the informant's QR code. The accused persons also allegedly compelled the informant to arrange additional money from his family members. Somehow, the informant managed to inform his family, whereupon the police intervened and rescued him from the clutches of the accused persons.

4. Learned Advocate for the petitioner, submitted that from the FIR, it is evident that it was co-accused Prince Kumar and Ajit Kumar who had called the informant to Patna in connection with the alleged business deal. So far as the present petitioner is concerned, the allegations are general and omnibus in nature, alleging only assault and snatching of money without attributing any specific overt act. It is further contended that the prosecution case falls to the ground for the simple reason that, during the course of investigation, when the informant's statement was recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, he did not even disclose the name of the present petitioner. It is also argued that, during the raid, two motorcycles were recovered from the house of one Ram Bhaju Prasad, but none of the motorcycles belonged to the petitioner. The petitioner has been falsely implicated in this case merely because he happens to be acquainted with one of the co-



accused persons, and there is no cogent material to *prima facie* establish his complicity in the alleged occurrence.

5. *Per contra*, learned Advocate for the State vehemently opposed the prayer for bail and submitted that the FIR clearly discloses the name of the petitioner as one of the assailants involved in assaulting the informant and snatching his money, besides he is also facing one criminal antecedent.

6. Having considered the submissions advanced on behalf of the respective parties and upon perusal of the materials available on record, particularly the statement of the informant recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein the involvement of the present petitioner has not even been whispered, coupled with the omnibus nature of the allegations made in the FIR, the absence of any recovery from the petitioner, and the doubtful nature of his identification, 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 C.J.M., West Champaran (Bettiah) in connection with Bairiya P.S. Case No.396 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)

rohit/-

U		T	
---	--	---	--

