

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31583 of 2026**

Arising Out of PS. Case No.-225 Year-2025 Thana- NIMCHAKBATHANI District- Gaya

Deepak Kumar @ Deepak Chaudhary Son of Kameshar Chaudhary @
Kameshwar Chaudhary Resident of Village- Telari, P.S.- Neemchak Bathani,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER**

2 07-05-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nimchak Bathani P.S. Case No. 225 of 2025 dated 22.11.2025 registered for the offence punishable under Section/s 126(2), 115(2), 352, 51(2)(3), 132 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case is that on 21.11.2025, when the informant along with other electricity department officials went to recover pending electricity dues from the house of Deepak Chaudhary, the accused persons allegedly abused, threatened and attempted to assault the informant with an iron



rod, besides threatening to shoot him and falsely implicate him in a case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. It is next submitted that owing to there being disturbances in the electric supply due to damage of electric wire, the petitioner is said to have approached the authorities and instead making good to such defects, the informant is said to have asked for gratification for carrying out the work due to which heated argument took place between both the parties and for ulterior reasons, the instant F.I.R. is said to have been lodged and there is no explanation for sending the F.I.R. to the learned Magistrate after eleven days of institution of the F.I.R. Counsel for the petitioner fairly submits that the petitioner has five antecedents and is on bail and by referring to the judgment passed in the case of Ayub Khan Vs. The State of Rajasthan passed in Cr. Appeal @ Special Leave Petition (Crl.) No. 10587 of 2023 submits that merely because of the antecedent, the consideration of bail may not be denied, if the accused has a better case on merit, as the presence of antecedent is only one of the several considerations for deciding the prayer of bail made by him.



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

6. Having heard learned counsel for the parties and considering that there is unexplained delay in sending the F.I.R. to the court concerned and no injury is said to be caused in assault or otherwise, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Nimchak Bathani P.S. Case No. 225 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the 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 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.

(Ajit Kumar, J)

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