

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39384 of 2026

Arising Out of PS. Case No.-497 Year-2025 Thana- MURLIGANJ District- Madhepura

1. Ashutosh Prakash @ Tuntun Yadav S/o Omprakash Yadav R/o Village- Bhelsi, Ward No.5, PS- Murliganj, Dist- Madhepura
2. Amol Kumar Alok @ Alok Kumar Alok S/o Surendra Prasad Yadav R/o Village- Bhelsi, Ward No.5, PS- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siyaram Pandey

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-06-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1, Ashutosh Prakash @ Tuntun Yadav.
3. Permission is accorded.
4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1, Ashutosh Prakash @ Tuntun Yadav.
5. The petitioner No. 2 apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 303(2) and 3(5) of the Bharatiya Nyaya



Sanhita.

6. Learned counsel for the petitioner submits that petitioner no. 2 is a person with clean antecedent and the informant alleges that pm 5-10-2025 at 9 AM, the petitioners along with four named accused came to his house and started abusing and assaulting, when his son (Samardeep) objected, the petitioner gave orders on which Abhiraj @ Guddu assaulted Samardeep causing injury on head, thereafter Ashutosh Prakash @ Tuntun Yadav assaulted informant by an iron rod causing fracture of right shoulder and repeated the blow causing fracture of left shoulder, thereafter on orders of Ashutosh, Sikandar assaulted Rajdeep by lathi causing fracture of hand and Anil looted Rs. 50,000/- on orders of petitioner and the injured were taken to the hospital and Samardeep after treatment at Madhepura Kapor Thakur Hospital regained consciousness thus there was some delay in instituting the FIR.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that specific allegation of assaulting the injured is against Abhiraj, Ashutosh and Sikandar and as far as petitioner is concerned, he is alleged



to be an order giver. It is also submitted that it is easy to implicate someone with an allegation that based on his order, the occurrence was committed. It is further submitted that had the petitioner asked the accused persons to jump from 20th floor, whether they would have jumped. It is also submitted that there is delay of seven days in instituting the FIR. It is next submitted that petitioner also instituted Murliganj PS Case no. 485 of 2025 dated 7-10-2025 against the informant and his side.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that as far as delay is concerned, explanation has been furnished but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that no specific allegation of assault is alleged against the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Murliganj P.S. Case No. 497 of 2025 subject to the



conditions as laid down under Section 482 (2) of the BNSS.

10. Accordingly, the instant application is partly allowed.

(Satyavrat Verma, J)

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