

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48189 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- CHAKIA District- East Champaran

Shubham Kumar @ Raushan Shrivastava S/O Rakesh Kumar R/O Village-
Bajarangi Nagar, P.S- Chakiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Megha Kumari, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Chakiya P.S. Case No. 25 of 2026 for the offence punishable under sections 126(2), 115(2), 109, 303(2), 351(2), 352 3(5) of the BNS lodged on 15.01.2026 by the informant.

3. As per the prosecution case, the allegation against the petitioner is that he along with other FIR named accused persons came on bullet motorcycle and Scorpio bearing Registration No. BRO6DX7661 to a school ground where the informant, his brothers and friends were sitting. The accused persons started abusing and threatening them, during course of which, the petitioner is said to have assaulted the informant with



a knife causing serious injury on his head. Another co-accused, Gaurav Singh assaulted the informant with a stick and provoked others to kill them. Thereafter, the accused persons assaulted the informant, his brothers and friends causing injuries. Accordingly, the FIR.

4. Learned counsel for the petitioners, by referring to the observations made in the order impugned with regard to the nature of injuries which have been found to be simple in nature, submits that the nature of injuries does not corroborate the allegations made in the FIR, as the injuries, as per the FIR, are said to have been caused by sharp weapons while the injuries are found to have been caused by hard and blunt substances. It has next been submitted that for similar kind of allegation, one co-accused, namely, **Gaurav Singh @ Gaurav Kumar** has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in **Cr. Misc. No.32477 of 2026** vide order dated 19.05.2026 (Annexure 2/P). Learned counsel for the petitioner, by referring paragraph-10 of the instant petition, submits that other co-accused persons in the present case, who are alleged to have used hard and blunt substances, such as, Lathi, Danda and Rod, have already been granted anticipatory bail by the learned court of 10th Additional District & Sessions



Judge, Motihari in ABP No. 834 and 800 of 2026. Lastly, it has been submitted that the petitioner has got clean antecedent and the injury caused to the informant by him is simple in nature.

5. Learned APP opposes the prayer for anticipatory bail by submitting that as per the FIR, this petitioner is said to be the main assailant causing injury to the informant.

6. Considering the nature of injury which *prima facie* does not corroborate with the nature of injuries sustained and the co-accused persons having similar allegation, as stated above, have been granted privilege of anticipatory bail by the Co-ordinate Bench of this Court and as also by the learned District Court and the petitioner has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***District & Additional Sessions Judge, East Champaran at Motihari*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-



(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document 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/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 his/their bail bonds.

(Ajit Kumar, J)

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