

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49252 of 2026

Arising Out of PS. Case No.-179 Year-2026 Thana- KATIHAR NAGAR District- Katihar

Sagar Kumar Chouhan Son of Shri Ganesh Prasad Chouhan Resident of Vill-
Bheriya Rahika, P.S- Sahayak (Town) , Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Adv.

For the Opposite Party/s : Mr. Binod Kumar Singh, No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Katihar Town P.S. Case No. 179/ 2026 registered for the offence(s) punishable under section(s) 126(2), 127, 119, 308, 115(2), 118(2), 308(3), 122, 303(2), 109, 351(2) and 3(5) of the BNS.

3. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and the informant claimed to have identified other accused persons who have been specifically named in the FIR but the name of this petitioner does not find place though, informant has alleged that in addition to the named accused persons, 25 other persons were also involved in the commission of the alleged offence but till the registration of the FIR, the name of this petitioner had not



come in the light and 23 days after the registration of the FIR, the informant gave a list of other persons involved in the occurrence on the basis of which the present petitioner and one Saurabh Kumar @ Saurav Pandey and others were made accused and except this, there is no material against the petitioner and further, the petitioner is known to the informant despite this fact he has not been named in the FIR. It is further submitted that co-accused, Saurabh Kumar @ Saurav Pandey, who has been made accused on the similar ground, has been granted anticipatory bail by a co-ordinate Bench of this court vide Cr. Misc. No. 48840 of 2026. It is lastly submitted that though against this petitioner there are criminal antecedents of two cases but he is on bail in both the cases.

4. Learned APP appearing for the State opposes the prayer of the petitioner and submits that while rejecting the petitioner's prayer, the trial court took into account the CDR showing the petitioner's communication with the other accused persons during the relevant period of time and the petitioner is also alleged to have involved with other accused persons who committed the offence in planned manner.

5. Considering the above submissions as well as facts and circumstances of this case and mainly the fact that the



petitioner has not been named in the FIR despite his claim as being known to the informant as stated above and 23 days after the registration of the FIR, he was made accused mainly on the basis of an application submitted by the informant himself before the I.O. as stated by the petitioner's counsel and the same has not been refuted by the learned APP appearing for the State coupled with the privilege of bail having been granted to co-accused, Saurabh Kumar @ Saurav Pandey by a co-ordinate Bench of this Court, in my opinion, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Katihar Town P.S. Case No. 179/ 2026 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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