IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56628 of 2026

CNR No. BRHC010742062026

Arising Out of PS. Case No.-74 Year-2025 Thana- BHAGWANPUR District- Vaishali

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Sudhir Kumar @ Kanha Son of Baidyanath Rai @ Machar Rai Resident of Village - Rahsha West, P.S.- Bhagwanpur, District - Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 23-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 74 of 2025 initially instituted for the offences punishable under Sections 126(2), 115, 109, 117, 351(2), 352, 3(5) of the BNS, 2023. Later on, Section 103(1) of BNS was added.

3. As per prosecution case, petitioner and others were consuming liquor in the premises of Hanuman temple. When the same was protested by the priest of the said temple, petitioner and other assaulted him. When informant came to rescue the priest, petitioner and others indiscriminately assaulted the informant upon his head by means of rod causing injury and

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fracture of hand of the informant. It is further alleged that when Mukesh Kumar and Shiv Shankar Yadav came to save the said priest, they were also assaulted. It is further stated that with the aid of the villagers, all the victims were taken to the hospital.

4. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner either to inflict injury upon the deceased or informant or any of the injured person. He further submits that prayer for anticipatory bail of the petitioner and others have already been rejected by the Co-ordinate Bench of this Court vide Cr. Misc. No. 49288 of 2025 and the same is also rejected by the Hon'ble Supreme Court vide Special Leave Petition (Criminal) Diary No. 4285 of 2026. He further submits that the occurrence took place on 14.03.2025 and FIR was lodged on 15.03.2025 i.e. after delay of about one day and the said delay has not been explained which questions the authenticity of the FIR. Learned counsel for the petitioner has refereed to annexure P/3 wherein the allegation has been made by a lady against the present informant and his associates. He further submits that the present case has been lodged in order to save his skin from the allegation made in Annexure P/3. He further submits that informant came to know that Pradip Das who is priest of the Hanuman temple had fell

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down and he was unconscious and taking advantage of story of the prosecution case has been cooked up story and the said story is put into the motion by the informant of the present case at belated stage just to frame allegation against the petitioner and others. He further submits that the deceased has sustained only one injury. In this way, the story of prosecution, where the allegation has been framed against eight persons which is not in consonance with the post portem report as injury mentioned in post mortem report. Learned counsel for the petitioner has referred the order of Co-ordinate Bench (Annexure P/4) where it is clearly mentioned that only one injury is sustained by the deceased on his head. So, the *post mortem* report is not in consonance with the allegation made in FIR and other persons have also suffered single injury. In the light of the aforesaid facts and circumstance of the case, there is no specific overt act against the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the FIR. Petitioner is in custody since 18.03.2026 and he bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the

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prayer for bail of the petitioner and submits that petitioner is FIR named accused person and one person has died on account of being assaulted by the petitioner and others have. In the light of the aforesaid facts and circumstance of the case, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, there is no specific overt act of assault against the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of **Rs. 25,000/- (Rupees Twenty Five Thousand)** with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIth, Vaishali at Hajipur / Successor court in connection with Bhagwanpur P.S. Case No. 74 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will

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remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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