IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75394 of 2026

CNR No. BRHC011108232026

Arising Out of PS. Case No.-453 Year-2024 Thana- NAUBATPUR District- Patna

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Shailendra Kumar @ Salendra Kumar S/O Shali Bhagat @ Shaligram Bhagat @ Sonu Kumar R/O Vill.- Vichhedi, P.s.- Naubatpur, Dist.- Patna, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Deepak Sinha, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 06-11-2026 Heard Mr. Deepak Sinha, learned counsel for the petitioner and Ms. Nirmala Kumari, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Naubatpur P.S. Case No. 453 of 2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2), 351(3) and 3(5) of BNS.

3. The prosecution case, in brief, as set out in the F.I.R., is that on 05.08.2024, at about 7:30 p.m., the informant's daughter and niece had gone to the field to relieve themselves. At that time, the accused persons allegedly attempted to flirt with them. Upon hearing the screams of the informant's daughter, his brother, Raj Kumar, rushed to rescue them.

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However, all the accused persons allegedly assaulted him with bricks and stones, causing injuries to his head. On hearing the cries of Raj Kumar, the informant and his brother, Yogendra Kumar, also rushed to the spot to rescue him. The accused persons allegedly assaulted them as well, damaged the informant's shop and, after resorting to firing, fled away with a sum of Rs. 50,000/-.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. It is next submitted that earlier the petitioner has moved before this Court for grant of anticipatory bail in Cr. Misc. No. 23405 of 2025 which was dismissed for default *vide* order dated 02.07.2025. Learned counsel for the petitioner next submits that petitioner has falsely been implicated in the present case and allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that there is a case and counter-case between the parties. Learned counsel for the petitioner next submits that it appears from the FIR that although the petitioner is named in the FIR but there is no direct and specific allegation against the petitioner rather the allegations are general and omnibus in nature against the accused persons including the petitioner. It is

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also submitted that the injury inflicted upon the injured person is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent as well as the fact that there is no direct and specific allegation against the petitioner rather the allegations are general and omnibus in nature against the accused persons including the petitioner and the injury inflicted upon the injured person is simple in nature, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Danapur, Patna in connection with Naubatpur P.S. Case No. 453 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and

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on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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