

In The Court of Additional Sessions Judge - XIII, Bhagalpur
A.B.P. No. - 771/ 2026

[Arising out of Ghogha P. S. Case No. - 139/25]

Deepak Kumar Singh & another

..... petitioners

Vrs.

The State of Bihar

..... Opposite party

ORDER

30.04.2026 This anticipatory bail petitioners has been filled on behalf of petitioners namely, **Deepak Singh and Sailesh Kumar Jaiswal** who are apprehending their arrest in connection with Ghogha P. S. Case No. - 139/25, U/s – 223(a), 262, 109(1), 132, 303(2), 3(5) B.N.S. which has been registered on the basis of written application of the informant namely, SI Rajesh Kumar which is pending before the Court of **Id. ACJM-II Bhagalpur**. A copy of this anticipatory bail petition has been served to Ld. A. P. P. for the State.

2. Heard Sri Surya Kumar Singh Ld. counsel for the petitioners as well as Sri Jai Prakash Yadav learned A.P.P. for the State on the A.B.P.

3. The learned advocate on behalf of petitioners has mainly submitted that no other anticipatory or regular bail petition has been filed on behalf of the petitioners either before the court of the Ld. Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna except this anticipatory bail petition. It is further submitted that the petitioners are innocent and has committed no offence as alleged in the F. I. R. The instance case involving all sections are bailable 109, 132 and 303(2) BNS which is ornamental. The petitioner no.1 is the owner of a Hiva Truck No.WB45-4916 and petitioner no.2 is the owner of Hiva truck bearing registration No.JH04M-0871 and he they were not present at the place of occurrence on the date of alleged occurrence and they have no concern with the act of this driver. The petitioners have got no criminal antecedent. Co-accused Niranjan Yadav and Dinesh Kumar Mandal have been admitted anticipatory bail from Hon'ble High Court, Patna vide Cr.Misc. No.15107/26 and 15524/26 respectively and the petitioners allegation stands on similar footing. The petitioners are ready to abide all the terms and conditions and they are ready to furnish bail bond with sufficient sureties as per direction of the court. Prayer has been made that anticipatory bail petition of the petitioners be allowed.

4. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners. He has said that there is sufficient materials available on the case record against the petitioners. Prayer has been made to dismiss the anticipatory bail application of the petitioners.

5. Heard Id. Counsel for both the sides and perused the record. Informant S.I. Rajesh Kumar of Ghogha P.S. has given a written application before the SHO that on 07.09.2025 at about 17:00 evening, he along with other police officials was on patrolling duty at New Four Lane, NH-80 near Monte Carlo Office, where there are a meeting point of four sided road. He found that the District Mineral Inspector, Bhagalpur and SDPO Kahalgaon was conducting the raid and has detained as many as 12 Hiva Vehicle which registration is given in the FIR. Twenty Seven (27) Hiva was under vigilance. Out of those Hiva, 12 Hiva escaped from the place. The unknown driver and owner of those vehicle were fleeing away by dropping stone chips by driving Hiva rashly and negligently. When the team tried to stop those Hiva vehicle, then drivers of those vehicle threatened that they would kill whoever comes before them and those 15 trucks were detained at the place of occurrence. Hence the FIR was registered.

7. Heard, Id. Counsel for petitioner as well as Id. APP. The petitioner no.1 is the owner of Hiva Truck bearing registration No. WB45-4916 which is on Sr. No.1 of the F.I.R. and and petitioner no.2 is the owner of Hiva truck bearing registration No.JH04M-0871 which is on Sr. No.10 of last paragraph of FIR. It is alleged that those Hiva vehicles were among those which fled away from the detention point, putting life of the team under threat through his rash and negligent driving.

This Court takes note of the fact that earlier, the anticipatory bail applications of co-accused persons were rejected by this Court vide orders passed in ABP-368-2026, ABP-2543-2025, and ABP-2541-2025. The footing of the present petitioners is identical to those co-accused whose bail applications were previously dismissed.

However, learned counsel for the petitioners has submitted that similarly situated co-accused vehicle owners, namely Niranjan Yadav and Dinesh Kumar Mandal, have subsequently been granted anticipatory bail by the Hon'ble High Court of Patna in Cr. Misc. No. 15107 of 2026 on 25-03-2026 and in Cr. Misc. No. 15524 of 2026 on 25-03-2026 respectively. Accordingly, a prayer has been made by the counsel for the petitioners to allow the present bail petition in view of the anticipatory bail allowed by the Hon'ble High Court.

Keeping in view the change in circumstances and relying upon the principle of parity, this Court is bound by the view taken by the Hon'ble High Court. In this context, strong reliance is placed upon the landmark judgment of the Hon'ble Patna High Court in **Babuni Yadav and Another vs. State of Bihar (Cr. Misc. No. 52258 of 2007)**. The core principle established in the said judgment is that of judicial discipline and propriety. It strictly mandates that when a superior court, such as the Hon'ble High Court, has granted bail to a co-accused, the subordinate courts are duty-bound to respect and follow that order for other co-accused standing on an similar footing. Disregarding or ignoring such orders of the superior court on identical facts amounts to judicial indiscipline. Since the Hon'ble High Court has already given the privilege of anticipatory bail to co-accused standing on an similar footing in the present case, and there are no distinguishing facts to deny the same to the present petitioners, withholding the relief would be unjustified and contrary to the established principles of judicial discipline.

7. Therefore, considering the facts and circumstances of the case, and primarily on the ground of parity and judicial discipline, the anticipatory bail application of petitioners **Deepak Singh and Sailesh Kumar Jaiswal** is thereby **ALLOWED** on furnishing bail bond of Rs. 10,000/- with **two surety** of like amount each with following conditions:-

- (a) Bail bond shall be furnished within 14 days of the receipt of this order.
- (b) The petitioner shall file undertaking mentioning their mobile number that they will not change their mobile number without informing the court.
- (c) The petitioners will not influence or tamper with the evidence and shall co-operate in trial of the case.

Copy of the order be sent to the concerned court for information and needful.

(Dictated & corrected by me)

Sd/-
PRASHANT KUMAR JHA
Addl. Sessions Judge - XIII,
Bhagalpur
30.04.2026

Memo:_____ Dated_____

Copy forwarded to the court
of_____ for information
and needful.

DASJ-XIII
Bhagalpur

Date of Judgment / Order	30.04.2026
Date of Reserving Judgment / Order	N/A
Uploading Date	02.05.2026
Uploaded by	Rahul Kumar