

**The Court of District and Additional Sessions Judge-I, Cum Special Judge SC/ST
(P.O.A) Act, Buxar**

(Presiding Officer :- Uday Pratap Singh)

B.P. No. 157/2026

(Arising out of Brahmpur P.S. Case No. 65/2026)

1. Achhay Kumar, aged about 23 years S/o- Budhiram Singh, R/o-village-Baraka Dhakacih,
P.S. Krishna Brahm, District- Buxar **....Petitioner.**

Versus

The State of Bihar

.....Respondent.

Appearance :- For the petitioner:- Sri Kripa Shankar Rai, Ld. Advocate

For the State:- Sri Kedar Nath Tiwari, Ld. P.P. assisted by
Sri Rajesh Kumar, Ld. Advocate.

Order dated: 14.05.2026

1. This regular bail petition has been filed in connection with Brahmpur P.S. Case No. 65/2026, registered under Sections 191(2), 190, 191, 109, 121(1), 132, 115(2), 126(2), 151, 352, 3(5) of B.N.S. The petitioner is in custody since 10.03.2026. Copy of bail petition has already been served to Ld. P.P
2. Learned counsel appeared on behalf of the petitioner and submitted that earlier no other bail petition has been filed, decided or pending in any other court. The petitioner has clean antecedent. The petitioner is innocent and he did not commit any offence. The petitioner has been falsely implicated in present case. The allegation made in the F.I.R is concocted, frivolous and baseless. The petitioner is neither concerned with the alleged occurrence or other co-accused. Nothing has happened as alleged in the F.I.R. As per F.I.R. section 121, 132 and 109 of the B.N.S. are not applicable and other section are bailable. There is no specific allegation against the petitioner. In case of granting bail, the petitioner shall abide all the terms and conditions imposed by the court. Hence, the petitioner deserves bail.
3. On the other hand learned P.P. along with learned counsel for the informant opposed the prayer for bail of the petitioner.
4. The prosecution case in brief is that one Barjesh Kumar, S.H.O of Brahmpur Police station recorded his self statement in Brahmpur police station in which it is alleged that on 09.03.2026, at about 11:00 PM, the informant along with police officials proceeded for night patrolling. During the course of patrolling at about 01:00 AM while checking vehi-

cles at Brahmapur Chaurasta, they saw three persons riding on a motorcycle coming from Ara Road and when signaled to stop, the three persons on the motorcycle left their motorcycle on the road and started running towards Ara Road. The police force chased them to catch them, but they took advantage of the darkness and managed to escape. Thereafter, the motorcycle bearing registration number BR-03-AT-1599 was brought to the police station for necessary investigation. At around 01:30 hours, Chowkidar, Ashok Kumar Yadav, who was on duty at Brahmapur Chaurasta, called on his official mobile and informed that around 15-20 unknown persons surrounded Ashok Kumar, Chowkidar and Vinod Paswan, Chowkidar asked about the motorcycle that had gone to the police station, abused and assaulted them with fists and sticks making them lethally surrounded. They surrounded and beat up the Chowkidar Vinod Paswan, due to which Chowkidar Vinod Paswan suffered a serious head injury. After informing the senior officer about the above information, the informant again reached Brahmapur Chaurasta with the police team, but on seeing the police force, the people who were beating up the Chowkidar started running towards Ara Road but six persons were caught at the spot and they disclose their names as Namo Narayan Yadav, Satyendra Upadhyay, Akshay Kumar, Omkesh Yadav, Ankit Kumar and Akhilesh Kumar Yadav respectively. On asking the name and address of the person who fled away after beating up the Chowkidar, the arrested person Namo Narayan Yadav told them as Dharmendra Yadav, Shri Bhagwan Yadav, Neur Yadav, Ganesh Yadav and said that he does not know the names of about eight-ten people involved in the occurrence. Thereafter, the seriously injured Vinod Paswan and Ashok Kumar Yadav were made to identify the six persons taken into police custody, and both the Chowkidar identified them and said that the six persons were involved in the assault. After that, both the injured Chowkidar were sent to the hospital for treatment. All the six persons taken into police custody were brought to the police station.

5. Heard both the sides. Case diary has been received. Record reveals that the petitioner is named accused in the FIR along with other co-accused persons. There is general and omnibus allegation against the petitioner and there is no any specific allegation of assault has been alleged against him. The injury report is annexed with the case diary in which most of the injuries sustained to the injured are simple in nature. The petitioner is in custody since 10.03.2026 having clean antecedent.
6. Having heard rival contention of both the parties and considering all the facts and circumstances of the case, this court is of the view that the case is at initial stage of trial and there is no possibility of concluding the trial in near future and no lawful purpose would

be served by detaining the accused in more judicial custody and granting of bail to the petitioner is justifiable. Accordingly, the present bail petition is **allowed**. The petitioner namely **Achhay Kumar** is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount subject to condition that-

(i) The petitioner shall remain present and co-operate in the, investigation, inquiry and trial or well represented on each and every date of the case proceeding and failing which without reasonable explanation, his bail bonds will be cancelled.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court and shall not tamper with the evidence in anyway.

A copy of this order be sent to the concerned court.

(Dictated)

Sd/-

1st Addl. Sessions Judge

Special Judge under SC/ST (POA) Act, Buxar