

In the Court of District and Addl. Sessions Judge - II, Gopalganj

A.B.P. No. 1362/2026

1. Chhote Alam :----- Petitioner

V r s

The State of Bihar :-----Opposite party

Counsel for the petitioner :-----Sri Sumit Kumar, Advocate

Counsel for the O.P. :-----Sri Deobansh Giri, P. P.

<u>21-07-2026</u>	Order	Remarks
	Anticipatory bail petition filed on behalf of the above named petitioner, who is apprehending his arrest in connection with Baikunthpur P.S. Case No. 209/2026, U/s 126(2), 115(2), 118(1), 117(2), 109(1), 303(5), 352/3(5) BNS. The above case was registered by Santosh Yadav. The prosecution story in brief is that the informant's both son were running the <i>kirana</i> store. At that time this petitioner along with other co-accuse came to the store of informant's son and ordered some goods but the accused persons denied to pay back for the goods which they have bought. This petitioner has assaulted with knife and gave head injury on the son of informant due to which the blood started oozing out. Other co-accused have also assaulted to the the informant party. Hence, the FIR. Learned counsel appearing on behalf of the petitioner argued that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further argued that the prosecution story is totally false, fabricated and concocted. Learned counsel further argued that the petitioner has criminal antecedent of one case. With these arguments learned counsel for the petitioner prayed for grant of anticipatory bail to the petitioner. Per contra, learned P.P. for the State argued that the offence alleged to has been committed by the petitioner is serious in nature, as such the petitioner is not entitled to grant anticipatory bail. Heard both the parties and perused the case. It is a matter of case and counter case between the parties. The case of informant is that total four accused persons including this petitioner came to the shop of the informant's son and bought some goods and in exchange they did not pay back the amount. The specific allegation against the petitioner as per FIR is that he has assaulted on the head of the son of the informant namely Ankush Kumar due to which his head got cut and	

Contd. <u>21-07-2026</u>	blood started oozing out from his head. Head is a vital part of the body. The case diary has not been produced by the Investigating Officer despite show-cause which deprives this Court from perusing the injury report. Erring I.O. has not started the investigation because no case diary has been submitted in spite of repeated directions and show-cause issued. Till date neither reply nor case diary has been received up till now. Such conduct on the part of the Investigating Officer amounts to negligence and disobedience of the Court Order. The Superintendent of Police, Gopalganj is directed to initiate departmental inquiry against S.I. Akhilesh Kumar and take appropriate disciplinary action as deemed fit. If the Investigating Officer is found responsible for any lapse during the course of inquiry then Superintendent of Police, Gopalganj shall take appropriate action against him and submit a compliance report to this Court within a reasonable period. On the basis of aforesaid facts and observations, the petitioner is directed to surrender and seek for regular bail because the investigating officer is failed to produce the case diary and injury report at the time of hearing of anticipatory bail of the petitioner. If case diary and injury report received by the trial court and the injuries are found to be simple in nature, then the Trial Court shall consider the same and look into the matter at the time of passing order. Therefore, the anticipatory bail filed by the petitioner is here by disposed off. (Dictated) (Kailash Joshi) Addl. Sessions Judge-II, Gopalganj.	
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