

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE - Ist NALANDA
Present:- Namita Singh, District & Addl. Sessions Judge - Ist Nalanda at Biharsharif.

A.B.P. No.- 998/26
(Arising out of Giriyak P.S Case No.- 226 of 2026)
Buchha Kumar and Others V/s State of Bihar

<i>Date of order of proceeding</i>	<i>Order with the signature of the court</i>	<i>Office action taken with date</i>
<u>06.07.2026</u>	This anticipatory bail application has been filed on behalf of the petitioners namely (1) Buchha Kumar, S/o- Bakhori Singh, (2) Banti Kumar, S/o- Shivalak Singh, (3) Varun Kumar @ Tarun Kumar @ Phota, S/o- Charitar Singh, (4) Vikash Kumar @ Vikash Duby, S/o- Pramod Singh, all are R/o Village – Ghosrawan, P.S.- Giriyak (Pawapuri O.P.), Dist – Nalanda, who are apprehending their arrest in connection with Giriyak P.S. Case No. 226/2026, registered u/s 126(2), 115(2), 74, 303(2), 352, 3(5) BNS. Ms. Aparna Bharti, learned counsel for the petitioners, submitted that no bail application has previously been filed either before this Learned Court or before the Hon'ble High Court. It is further submitted that the petitioners are innocent and have committed no offence whatsoever. They have been falsely implicated on the basis of a false, fabricated and concocted story. It is submitted that there is no specific allegation or overt act attributed to these petitioners. The F.I.R. itself indicates that the informant had taken and retained the mobile phone of the co-accused, Mantu Kumar, and when he went to inquire about the same, the informant threatened to falsely implicate him and his family members. It is further submitted that the prosecution story is inherently improbable and the inclusion of Section 74 of the B.N.S. is without any factual basis and has been made only to aggravate the nature of the case. It is also submitted that the petitioners have clean antecedents, as stated in paragraph-3 of the bail petition. Lastly it was stated that the case has been compromised between the parties. Accordingly, learned counsel prayed that the petitioners be enlarged on bail. Learned P.P. on the other hand has opposed the prayer for bail of petitioners. Ld. Lawyer on behalf of informant was present with the informant himself and they supported the factum of compromise. Having heard both sides and upon perusal of the case records, it appears that the present case was instituted on the basis of a written complaint submitted by	

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<u>Contd.</u> <u>06.07.2026</u>	the informant, Sumit Kumar, wherein he has alleged that on 06.05.2026 at about 9:00 P.M., he had gone to the shop of Varun Kumar at Ghosrawan to purchase some articles. After leaving the shop, he allegedly found that the mobile phone of Montu Singh had mistakenly remained in his pocket. Upon receiving a call from Montu Singh, he informed him that the phone had come into his possession by mistake and immediately returned it on the way. Thereafter, while returning home, he allegedly found accused persons, namely, 1. Nishant Kumar @ Dablu, 2. Varun Kumar @ Phota, 3. Vikas Kumar @ Vikas Dubey, 4. Buntty Kumar, 5. Buchcha Kumar and some unknown persons abusing his father outside his house. When the informant protested, all the accused allegedly assaulted his father. It is further alleged that while the informant was trying to rescue his father, accused Nishant Kumar @ Dablu struck him on the head with the butt of a pistol, causing a bleeding injury. The informant further alleged that Vikas Kumar @ Vikas Dubey entered his house and assaulted his mother. On hearing the alarm, local villagers assembled, whereupon the accused persons fled from the place of occurrence after allegedly threatening to kill the informant and his family. It is further alleged that while fleeing, accused Nishant Kumar @ Dablu snatched the informant's Vivo mobile phone bearing No. 7050243747 and forcibly removed the Bajrangbali locket from his neck. Thereafter, with the assistance of the villagers, the informant was taken to VIMS Hospital, Pawapuri, for medical treatment. On perusal of the FIR, it appears that there is a general and omnibus allegation of assault against petitioners 1 to 3. There is a specific allegation against petitioner no. 4 of assaulting informant's wife but it is vague. Moreover, her injury report is not available and the injury report of the informant in para 13 of the case diary reveals a simple injury of simple nature. As per para 21 of the case diary all the petitioners have clean antecedents. Taking note of the aforesaid facts and circumstances available on record, I find it judicious to extend the privilege of pre-arrest bail to the petitioners, namely (1) Buchha Kumar, (2) Banti Kumar, (3) Varun Kumar @ Tarun Kumar @ Phota, and (4) Vikash Kumar @ Vikash Duby. Accordingly, in the event of their arrest or	
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<u>Contd.</u> <u>06.07.2026</u>	surrender before the learned trial court within a period of four weeks from the date of receipt of a copy of this order, are directed to be released on bail, on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court, subject to conditions as laid down u/s 482(2) of the BNSS with additional following conditions:- • The petitioner shall co-operate with the investigation/trial and shall make himself available before the Investigating Officer/Court as and when required. • The petitioner shall not, directly or indirectly, induce, threaten, promise, or influence any witness or tamper with the prosecution evidence in any manner whatsoever. Let a copy of this order be transmitted to the learned court concerned forthwith. (Dictated & Corrected) Sd/- Addl. Sessions Judge-I Nalanda at Biharsharif <table><tr><td>Date of Judgment/Order</td><td>06.07.2026</td></tr><tr><td>Date of Reserving Judgment/Order</td><td>-</td></tr><tr><td>Date of Uploading</td><td>10.07.2026</td></tr><tr><td>Uploaded by</td><td>Kumar Shivam</td></tr></table> Memo No._____, Dated:-_____. Copy of order forwarded to the Court of Ld. ACJM-II, Nalanda at Biharsharif for information and needful. Addl. Sessions Judge-I Nalanda at Biharsharif	Date of Judgment/Order	06.07.2026	Date of Reserving Judgment/Order	-	Date of Uploading	10.07.2026	Uploaded by	Kumar Shivam
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