

FORM OF ORDER SHEET

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE- IIIrd, NALANDA**Present:- Ankur Gupta, District & Addl. Sessions Judge – IIIrd Nalanda at Biharsharif.****A.B.P. No. 1099/2026****Kishal Kumar & Others V/s State of Bihar****Biharsharif P.S. Case No. 116/2026**

Sl No.	Date of Proceeding	Order with the signature of the Court	Office action taken with date
1	2	3	4
	24.06.2026	Sri Abhinav Anand, Ld. Counsel for the petitioner/accused. Sri Amir Singh, Ld. Addl.P.P for the State. (1) This Anticipatory Bail application has been filed on behalf of the petitioner namely 1. Sunny Kumar, S/o- Shakaldeo Yadav, resident of Village- Nakatpura, P.S.- Bihar, Distt.- Nalanda in connection with Bihar P.S. Case No. 116/2026 registered U/S- 191(2), 191(3), 190, 126(2), 115(2), 125(b), 109(1) B.N.S. & 25(1-B)(a), 26, 27, 35 of Arms Act. <u>PROSECUTION CASE</u> (2) Prosecution case in brief is that on 01.03.2026, A.S.I. Ashutosh Choube received information that some persons were pelting stones on the road outside Nakatpura Water Park and that gunshots had also been fired. Upon receiving the said information, the informant along with other police personnel, reached the spot and found that some persons were pelting stones and assualting passengers sitting in cars, while others were firing bullets. The informant made an appeal to maintain law and order and conducted a search of vehicles present at the spot. During the search, one rifle was recovered from a person sitting in a Scorpio vehicle, along with a live cartridge. Three empty cartridges were also recovered from the spot. Further, three rifles were recovered from the canteen of the water park where Mohammad Arif was present. Mohammad Arif stated that one of the rifles belonged to him, while the other two rifles belonged to Pulvindar Singh and Pradip Singh. It was further stated that they were security guards of Yashir Imam and while returning, villagers started pelting stones, due to which they had to fire in self-defence. It was also stated that Pankaj Kumar and Sooraj Kumar had organised a programme of “Raushan Rohi”, and they had come as chief guests. Raushan Kumar alias Raushan Rohi, Pankaj Kumar and Suraj Kumar were found hiding in a room within the water park. From the available video footage, some persons were found pelting stones and assualting	

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	others with Lathis, and the present petitioner is alleged to be one of those miscreants. <u>SUBMISSION OF THE COUNSEL OF THE PARTIES</u> (3) The learned counsel for the petitioner has prayed that anticipatory bail may be granted to the petitioner and has submitted as under: ● The petitioner is innocent and has not committed any offence. ● The petitioner has not filed any regular or anticipatory bail application either before this Court or before the Hon'ble Patna High Court. ● The petitioner has got no criminal antecedent. ● That all the sections are bailable except Section 109 of the B.N.S. and Section 25(1-B)a, 26, 27, 35 of the Arms Act. ● That Section 109 of B.N.S. is not applicable against the petitioner and also Section 25(1-B)a, 26, 27, 35 of the Arms Act is not applicable against the petitioner because the petitioner was not seen to possess any fire arms. ● That the petitioner has been wrongfully framed and implicated in the present case on the basis of a video, authenticity of the same is questionable. (4) On the other hand, the learned APP has vehemently opposed the bail petition and has submitted that the offence is serious in nature and therefore the petitioner does not deserve the benefit of anticipatory bail. <u>MATERIAL ON RECORD AND OBSERVATIONS</u> (5) From the perusal of the case diary, it transpires that the petitioner was part of the mob which had pelted stones on the car of the chief guest Yasir Imam and Raushan Rohi. The attack of the petitioner along with other co-accused who are part of the mob, triggered the entire incident in which bullet were fired from the both sides and several persons were injured. The petitioner is named in the F.I.R. and his face was also visible in the videos, from which he was identified. The learned Counsel for the petitioner submitted that co-accused Yasir Imam has also been granted anticipatory bail by this Court. However, the case of Yasir Imam and this petitioner are on different footing since Yasir Imam is alleged to be victim of the attack by a mob, of which the petitioner was also a part. Learned counsel for the petitioner has also submitted that other co-accused were also granted bail by this Court. However, the grounds of bail and anticipatory bail are different and	
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Schedule XLII-High Court (J) 9a [Old (M) 164.]

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	both cannot be equated. (6) Considering the fact that the petitioner had taken active part in the attack, which led to the entire occurrence; and the gravity of the offence, I am not inclined to grant the anticipatory bail to the petitioner. Accordingly, the anticipatory bail petition is hereby rejected. Copy of order be sent to the Ld. Concerned Court. Order be uploaded on CIS. (Dictated & Corrected) (Ankur Gupta) District & Additional Sessions Judge-III Nalanda, Bihar Sharif <table border="1" style="margin-left: auto; margin-right: auto;"><tr><td>Date of Judgment/Order</td><td>24.06.2026</td></tr><tr><td>Date of Reserving Judgment/Order</td><td>24.06.2026</td></tr><tr><td>Uploading date</td><td>27.06.2026</td></tr><tr><td>Uploaded by</td><td>Kanchan Kumari</td></tr></table>	Date of Judgment/Order	24.06.2026	Date of Reserving Judgment/Order	24.06.2026	Uploading date	27.06.2026	Uploaded by	Kanchan Kumari	
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