

In the Court of Dushyant Kumar
District & Additional Sessions Judge-I
Rosera , District-Samastipur
B.P. No. 169-C of 2026
C.I.S.No. 169-C of 2026
(Arising out of Bibhutipur P.S. Case No. 358 of 2025)
Date: 05.06.2026

Amar Shah@Amar Kumar Shah

.....Accused/Petitioner.

vs.

State of Bihar.

.....Prosecution/O.P.

ORDER

1. The present petition has been filed by the accused petitioners, namely Amar Shah@Amar Kumar Shah, seeking bail as he has been in custody since 23.04.2026 in connection with Bibhutipur P.S. Case No. 358 of 2025 registered under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 121(1), 121(2), 223, 132, 262, 109(1), 352, and 351(2) of the B.N.S.

2. Heard Smt. Asha Kumari, Ld. Counsel for the accused petitioners, and Sri Shiv Shankar Yadav, Ld. APP for the State.

3. Briefly stated, on 05.09.2025 at about 08:40 AM, the informant ASI Ranjeet Singh, posted at Vibhutipur Police Station, was on duty when about 70–80 persons forming an unlawful assembly, armed with lathi, danda and iron rods, forcibly entered the police station premises with the intention to free accused persons detained in connection with Vibhutipur P.S. Case No. 319/25. The mob attempted to break open the lock-up gate and, when resisted by the informant and police personnel, started abusing and assaulting them with deadly weapons. The informant sustained injuries while trying to save himself, and Constable Rohit Kumar was also assaulted and injured by the rioters. The mob further attempted to break open the guard room and loot government arms kept therein. On hearing alarm, other police officials and staff reached the spot, whereupon the accused persons fled away. The entire occurrence was captured in the CCTV cameras installed at the police station, and the accused persons were identified thereafter. The injured police personnel were subsequently taken to the hospital for medical treatment. Accordingly, a case was registered against 43 accused persons and others under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 121(1), 121(2), 223, 132, 262, 109(1), 352, and 351(2) of the B.N.S.

4. Ld. Counsel for the accused petitioners submits that the petitioners are innocent and have committed no offence, and that the allegations levelled against them are false, baseless, and concocted. No other bail petition, either regular or anticipatory, has been filed or pending before this Court or Ho'ble High Court or pending in any Court. Petitioners has no criminal antecedents. There is no specific allegation against the petitioner. It is further submitted that the other co-accused persons are on bail and the entire case is based on mistake and the present petitioner has been implicated in this case on misconceived facts. The accused petitioners will not misuse the privilege of bail.

5. On the other hand Ld. APP. on behalf of state opposed the prayer for bail.

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6. Perused the records. Instant case has been instituted against the accused including the petitioners under Sections 191 (2), 191 (3), 190, 126 (2), 127 (2), 115 (2), 121 (1), 121 (2), 223, 132, 262, 109 (1), 352, 351 (2) of the B.N.S. on the allegation that that they attempted to break open the locks of the police station causing injuries to the police personnel and obstruction in the discharge of their official duties. Upon perusal of records, it transpires that injury of injured police is body pain and the same has been opined as simple. Allegations are general in nature against the present petitioner. Other co-accused facing exactly the same allegations as that of the present petitioners have been granted anticipatory bail vide order dated 13.01.2026 passed in ABP No. 582-C of 2025. Similarly other co-accused have been granted regular bail also and nothing had been brought on record by the prosecution to distinguish the case of the present petitioners so as not to apply the principle of parity. All the witnesses are public witnesses which substantially excludes the possibility of witnesses being influenced. Petitioner has been in custody since 23.04.2026.

7. Considering the above facts and circumstances of the case and taking into account nature of allegations and period of custody, it appears that further custody of petitioner shall not serve useful purpose as the trial is likely to take time and further taking into account the fact that other co-accused facing exactly the same allegation have been granted bail, it appears that it would be appropriate to grant bail to the petitioners on the ground of parity.

8. Accordingly, the petitioner, namely Amar Shah@Amar Kumar Shah, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of the Ld. Magistrate concerned in connection with Bibhutipur Nagar P.S. Case No. 358 of 2026, subject to furnishing undertaking regarding compliance of the conditions mentioned in Section 480(3) of BNSS.

9. Let a copy of this order along with the LCR be sent to the Court of the Ld. Magistrate concerned.

Dictated
District & Additional Sessions Judge -1
Rosera, Samastipur