

In the Court of Sessions Judge, Vaishali
A.B.P. No. 82/2026

1. Rahul Kumar, aged about 34 years S/o Sadanand Singh,
2. Saroj Kumar, aged about 39 years S/o Parmanand Singh,
Residents of village – Makhua, P.S. - Vaishali, Distt. - Vaishali.

- Petitioner
Verses
State of Bihar - O.P.

Appearance : -

Learned counsel for the petitioners : - Sri Kaushal Kumar, advocate.
Learned P.P. for the State : - Sri Shyam Babu Rai,

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 09th. March 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioners under section 482 of B.N.S.S. who are apprehending their arrest in connection with Vaishali P.S. Case No. 908/2025 registered u/ss. 329(4), 115(2), 126(2), 352, 351(2), 351(3), 109(1) & 3(5) of B.N.S. and section 27 Arms Act.

The learned counsel for the petitioners moved the petition dated 27.02.2026 filed on behalf of petitioner no.2 Saroj Kumar and prayed to withdraw the prayer for anticipatory bail of petitioner no.2 Saroj Kumar on the ground that he has been arrested by the police and he is under judicial custody. Hence, considering the submission of the learned defence counsel, prayer for anticipatory bail of petitioner no.2 namely **Saroj Kumar is dismissed as withdrawn.**

It is stated in Para 2 of the anticipatory bail petition that no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The case of the prosecution in brief, as per written report of the informant Sachchidanand Singh is that on 23.12.2025 accused Saroj Kumar and

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petitioner **Rahul Kumar** came in intoxicated position at his door and started abusing. It is further alleged that accused Saroj Kumar took out pistol from his waist and fired on informant but he saved himself and in this course he fell down. On hearing sound of firing, when the inmates of his house and neighbourers came, then both the accused persons giving threat of dire consequences, fled away. Thereafter, police was informed who came and recovered empty cartridge from the place of occurrence. The informant was brought to "Ashoka Hospital" for treatment.

The learned counsel for the petitioner submits that the accused petitioner Rahul Kumar is innocent and has committed no offence. The entire prosecution case is false and concocted. No occurrence as alleged took place. The informant did not sustain any injury. So, the allegation of firing is false. He has falsely been implicated in this case due to Pattidari dispute. The informant and petitioner are cousin and they are decedent of a common ancestor and their grand fathers are full brothers. The accused petitioner Rahul Kumar has no criminal antecedent. Hence, a prayer has been made to allow this anticipatory bail petition.

The learned Public Prosecutor for the state opposed the prayer for anticipatory bail.

Heard both the parties and perused the record and the case diary. After perusal of the record and case diary, it transpires that there is general and omnibus allegation of abusing against the petitioner Rahul Kumar. The allegation of firing is not against the petitioner, rather the said allegation is against the accused Saroj Kumar who has already been arrested. The injury report of informant/injured as mentioned in Para 39 of the case diary shows that no visible mark of assault found. Para 20 of the case diary shows that prohibitory action has been taken against both the parties u/s 126 B.N.S.S.

Therefore, considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the petitioner no.1 namely Rahul Kumar, is

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hereby, allowed and it is ordered that in the event of arrest or surrender, he will be enlarged on anticipatory bail, on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned court below, within four weeks of this order,subject to the conditions as laid down under section 482(2) of the Bhartiya Nagrik Suraksha Sanhita 2023.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali