

IN THE COURT OF DISTRICT & A.S.J.-III, VAISHALI AT HAJIPUR

A.B.P. No. 1234 of 2025

CNR No. BRVA01-004160-2026

Arising out of Bhaganpur P.S. Case No. 103/2025

U/ss – 109, 61, 3(5) B.N.S. and 27 of Arms Act.

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Arvind Kumar @ Arvind Kumar Gupta, S/o: Ram Udesah Sah @ Ram Uday Sah.

..... **Petitioner**

Versus

The State of Bihar

..... **Opposite Party**

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Appearance :

For the petitioner : Sri Vinay Kumar Jha, Ld. Adv.

For the State : Sri Ramnath Mahto, Ld. A.P.P.

27.07.2026

Order

1. The anticipatory bail petition of the petitioner-**Arvind Kumar @ Arvind Kumar Gupta**, who is apprehending his arrest in connection with aforesaid case, **Bhaganpur P.S. Case No. 103/2025, U/ss – 109, 61, 3(5) B.N.S. and 27 of Arms Act.**

2. The Ld. Advocate on behalf of the petitioner pressed the anticipatory bail petition and submitted that, the petitioner has not moved any bail application in this case either before this Ld. Court or before Hon'ble High Court, Patna. That the petitioner has no any criminal antecedent. That the petitioner is quite innocent and has falsely been implicated in this case out of enmity as the relationship between the petitioner (husband) and daughter of the informant (wife) is not good and the same is sour since the wife of the petitioner is not ready to lead her conjugal life with the petitioner and she has filed a maintenance case bearing no. 287/22 in the Ld. Court of Principal Judge, Family Court Hajipur, Vaishali and the present case is outcome of the same. That the petitioner begs to state that the petitioner is nowhere involved in commission of the alleged occurrence and he has

<u>27.07.2026</u>	been falsely implicated out of enmity since the daughter of the informant has deserted the petitioner and she is not ready to lead her conjugal life with the petitioner and has filed a maintenance case in the Court of Principal Judge, Hajipur Vaishali bearing case no. 287/22 and on the basis of the said sour relation, the informant has falsely implicated the petitioner in this case in which the petitioner has no hand. That the entire case of the prosecution is based on suspicion and so far allegation is concerned, the allegation on the petitioner is this that he realized Rs. 3,00,000/- by selling the culturable land of the informant and prior to the four-five days of the occurrence, he alleged to have come at the residence of the informant wearing helmet to hide his identity and since the informant has knowledge, the petitioner along with people fled away. That the falsity of the statement would appear from the fact that the person coming to the residence of the informant had wear helmet then how the informant could identify that the person wearing helmet was the petitioner only and so far payment of Rs. 3,00,000/- is concerned, the informant has not given either the certified copy of the sale deed or any chit of paper regarding payment of Rs. 3,00,000/- made to the petitioner, so the story as propounded by the informant is falsified itself. That as stated above, the relation of the petitioner as not good with his wife and in-laws and he is fighting litigation against the daughter of the informant since 2022 therefore, by no stretch of imagination, question of any payment made to the petitioner thereafter by the informant can arise. That the petitioner further beg to state that he is employee of electronic goods distributor at Muzaffarpur and on the alleged date of occurrence and prior to 4-5 days as well, he was in office and he was discharging his work duty which is evident from the pen drive of the CCTV footage which would show that the petitioner was at his work place so the allegation contrary to the aforesaid fact is denied by the petitioner and the
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petitioner is absolutely innocent and he has no involvement in the alleged occurrence. That from the perusal of the F.I.R., it will reveal that the relationship of the petitioner with the family of the informant is not good and the same went to the extent of judicial proceedings and the allegation levelled against the petitioner is merely of a criminal conspirator and not of an assailant. That for establishing criminal conspiracy, there must be interaction and common intention between the offender and the conspirator but in present case, neither there is any interaction nor there exist any common intention and if the C.D.R. of the petitioner mobile number is searched, it will reveal that he had never any conversation with Dilip Sah or the offender either prior to the alleged occurrence or after the alleged occurrence so the criminal conspiracy as alleged against the petitioner could not be established and on the ground of suspicion, the petitioner's prayer for anticipatory bail could not and should not be refused. That as stated above that the petitioner is nowhere involved in the alleged occurrence rather he has been made accused on the basis of enmity and he is not assailant rather he has said to be a criminal conspirator and the same could not have been established on the basis of the fact and defence referred above and therefore the petitioner deserve Your Honor discretion. That the petitioner is man of means and has got bailor to stand his sureties and he further undertakes that he will abide by the conditions imposed on him as well as section 482(2) B.N.S.S.

3. The Ld. A.P.P. vehemently opposed the prayer of anticipatory bail petition, and submitted that the accused-petitioner is named in the F.I.R., there is direct and specific allegations against him. After investigation police submitted the chargesheet against co-accused and further investigation is going on against this petitioner.

<u>27.07.2026</u>	4. As per fard-bayan of the informant-Meena Devi, the prosecution's case in short is that, informant has three married daughters and no son. She alleged that her elder son-in-law Dilip Shah and younger son-in-law Arvind Kumar Gupta had been pressuring her to sell her agricultural land and hand over the sale proceeds. She claimed that Dilip had already taken Rs. 20 lakh and property documents and younger son-in-law took three lakhs, while she refused to give them more money, they allegedly threatened to kill her and her husband. She further stated that about 4-5 days before the incident, both accused came near her house with an unknown person, cocealing their identities with helmets, but fled after being recognized. On 18.04.2025 at about 05:36 pm., while she was sitting at the entrance of her house during the village market, two motorcycles carrying four youths arrived. On a signal from one of the pillion riders, another youth fired at her with a country-made pistol with the intention to kill her, causing gunshot injuries. Despite attempts by local people to catch the assailants, they escaped. She stated that she could identify that four assailants, who were about 20-25 years old and residents of Gopalpur under Bhagwanpur police station, though she did not know their names at the time. She expressed full belief that her sons-in-law, Dilip Shah and Arvind Kumar Gupta, had conspired to have her murdered. 5. Heard both the parties. Perused the L.C.R. along with C.D. and supplementary C.D., there is direct and specific allegations against this accused-petitioner. In C.D. Para-6 witness Kamal Sah's statement is mentioned, he supported the prosecution's case. In C.D. Para-7 witness Ram Pravesh Sah's statement is mentioned, he supported the prosecution's case. In C.D. Para-8 witness Saida Khatoon's statement is mentioned, she supported the prosecution's case. In C.D. Para-26
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<u>27.07.2026</u>	statement of informant is mentioned, she supported her case. In C.D. Para-48 supervision report of S.D.P.O. Lalganj is mentioned, according to this report the case is found true against this accused-petitioner U/s. 109, 61, 3(5) B.N.S. and 27 of Arms Act. After investigation police submitted the chargesheet against co-accused. As per supplementary C.D. Para-24 accused-petitioner is absconding. 6. Hence, in the light of above said, I am not inclined to grant the privilege of anticipatory bail to this accused-petitioner, the same is hereby, Rejected. 7. O/C will send the copy of this order along with L.C.R. to concerned Ld. Court below for kind information and needful. 8. The Steno is directed to upload the order on the C.I.S. District & Addl. Sessions Judge-III, Vaishali at Hajipur, 27.07.2026
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