

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6368 of 2025

Arising Out of PS. Case No.-702 Year-2023 Thana- ARA NAGAR District- Bhojpur

Dipu Kumar @ Nikku Kumar Chauhan Son of Munna Chauhan Resident of
Dhanhara, Police Station - Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Ban Bihari Singh, Adv

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-06-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 307 and 326 of the
Indian Penal Code and section 27 of the Arms Act.

3. The allegation in the FIR is that while the informant
had gone along with his daughter for delivery to the hospital ,
his son- in- law was shot at three times by accused Gautam
Kumar and despite the effort to apprehend him by chasing, he
manage to flee away along with another person, who was
waiting on his motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and even during the course of
investigation nothing specific has been collected against the



petitioner but for the confessional statement of the main accused Gautam before the police which has been recorded in paragraph 8 of the case diary, wherein he has stated that he had procured a pistol from the present petitioner, who was a friend of the said Gautam. The confessional statement of the accused Gautam before the police, however, has no evidentiary value. There is no specific allegation against the petitioner being present along with the main accused when the offence was committed and the said confessional statement has also been recorded after two months of the said occurrence. Further, the petitioner has no criminal antecedent.

5. The learned counsel for the informant however submits that the son-in-law of the informant has been shot thrice by the main accused and the petitioner happens to be an associate of the said Gautam Kumar and is also involved. It has also been submitted that the present petitioner has been threatening the informant of dire consequences for withdrawal of the case.

6. Taking into consideration the fact that the thrust of the allegation is against Gautam Kumar and there is no concrete evidence against the the petitioner, accordingly, in the event of his arrest/ surrender within a period of four weeks from today



the petitioner shall 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 court below where the case is pending/ successor court in Ara Town P.S.Case No. 702 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. However, the petitioner, who is a student, would make himself available before the investigating officer of the concerned police station at the interval of every 20 days till charge sheet is submitted against him. It is also directed that the petitioner would even thereafter co-operate in the trial and if any concrete material is submitted on behalf of the informant that the petitioner is in any way involved in tampering of evidence or threatening the informant, the informant would be at liberty to approach the court for cancellation of bail.

(Soni Shrivastava, J)

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