

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12040 of 2025

Arising Out of PS. Case No.-41 Year-2024 Thana- ARA NAWADA District- Bhojpur

Bholi @ Shikhar Raj @ Shikhar Rai S/o- Sunil Kumar Village- Kumhaila Ps-
Ara Nawada Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 147, 148 , 149, 307, 323, 341, 325, 307, 379, 427 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, this petitioner along with other F.I.R, named co-accused persons and some unknown persons, on the alleged date and time of occurrence started abusing and making firing due to which one Aman Choudhary sustained injury on his head and was taken to hospital by the police where he was declared dead.

4. It is submitted on behalf of the petitioner that from bare perusal of the F.I.R., it is apparent that there is no specific allegation of fire against this petitioner rather in the alleged



occurrence there was cross-firing in between two groups due to which the deceased sustained injury. It is not the case of the prosecution that firing made by this petitioner caused the death of the deceased. He further submits that on the same day brother of the deceased, Ankit Singh also lodged an F.I.R in Ara Nawada PS Case No. 42 of 2024 in which brother of the deceased has not taken the name of the petitioner as an assailant or that he was present at the place of occurrence. He lastly submits that at best petitioner was member of the mob. Even as per the F.I.R., there was cross-firing between the two groups and it is not clear whose firing hit the deceased. It is further submitted that similarly situated co-accused, namely, Manish Kumar, has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 08.05.2024 passed in Cr. Misc. No. 23973 of 2024. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of the learned ACJM, Bhojpur at Ara in connection with Nawada P.S. case No. 41 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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