

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15724 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- THAWE District- Gopalganj

Pawan Kumar Singh Son of Munilal Singh Resident of Village- Jagdishpur,
P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra
For the State : Mr. Nawal Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 12-06-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Thawe Police Station Case No. 290 of 2024, dated 22.10.2024, disclosing offences under Sections 127(2)/115(2)/103(1)/3(5) of the Bhartiya Nyaya Sanhita.
3. As per the prosecution lodged by Chowkidar of Thawe Police Station is that he received information on 21.10.2024 at about 10 AM in the morning that some unknown miscreants shot dead one Pawan Kumar Singh i.e. the petitioner and upon receiving the information the Chowkidar reached at the place of occurrence after informing the police and saw that a dead body was lying on the road whose hands and legs were tied by the rope.



The deceased was identified as Abhishek Thakur and the father of the deceased as well as neighbours/localities disclosed the name of the petitioner and seven other co-accused persons, who brutally assaulted the deceased causing his death. It has further been alleged that from the place of occurrence two country-made pistols and three and four live cartridges of both pistols were recovered and seized.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely because First Information Report has been lodged by the petitioner inasmuch as on the date of occurrence i.e. on 21.10.2024, at about 10 AM, while the petitioner was sitting in his fertilizer shop, four miscreants arrived there out of whom one was identified as the deceased Abhishek Thakur while the other three miscreants were covering their faces with towels. Abhishek Thakur fired upon the petitioner and the bullet hit on right hand and chin of the petitioner. Upon hearing the sound of fire, the people of the locality arrived there and took the petitioner to Sadar Hospital, Gopalganj. It has further been submitted that one day prior to the occurrence i.e. on



20.10.2024, the deceased Abhishek Thakur demanded ransom of Rs. 5 lakh from the petitioner and threatened him with dire consequences. On the basis of fardabayan recorded in the Sadar Hospital, Gopalganj, on 21.10.2024, the First Information Report, bearing Thawe Police Station Case No. 289 of 2024, has been lodged by the police. The petitioner was subsequently given first aid and was referred to PMCH for further treatment. Further, the petitioner, for better treatment, was admitted in Tata Main Hospital, Jamshedpur.

5. He next submits that the deceased Abhishek Thakur was a notorious criminal having two criminal antecedents under the Arms Act. Referring to Annexure-P/3, learned counsel submits that the petitioner had sustained gun shot injury on his face and at his hand. Learned counsel further submits that falsity of the First Information Report against the petitioner would further be evident from the fact that as per the First Information Report lodged by the Chowkidar, he got the informant regarding death of the petitioner on 21.10.2024 at about 10:00 AM and he immediately proceeded towards the place of occurrence after giving information to the concerned police station



and saw the dead body of the deceased Abhishek Thakur, whereas, the fardebayan of Chowkidar was not recorded and First Information Report was not lodged by him immediately. The inquest report was prepared on the same date i.e. on 21.10.2024 and post-mortem was also done on the same date too. After preparation of the inquest report and post-mortem report i.e. on 21.10.2024, the present First Information Report has been lodged on 22.10.2024 with premeditated mind at the behest of co-sharers/agnates of the petitioner to falsely implicate the petitioner and his other family members. From the First Information Report, it is clear that the petitioner has sustained gun shot injury on 21.10.2024 itself at about 10:00 AM and the occurrence regarding death of the Abhishek Thakur, as lodged by the Chowkidar, has also took place on 21.10.2024 at about 10:AM and after informing about the same to the police the Chowkidar reached to the place of occurrence. Since, the petitioner had received serious gun shot injury on his hand and face, it is highly improbable that the petitioner was in a position to assault the deceased Abhishek Thakur. The petitioner was immediately taken to the Sadar Hospital,



Gopalganj, and thereafter he was referred to PMCH for further treatment. The deceased Abhishek Thakur has died of severe assault on his abdomen and other body parts which might have been caused by the villagers, who after hearing the gun shot had arrived at the place of occurrence.

6. Regarding being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner lodged First Information Report on 21.10.2024 on the basis of his fardebayan recorded in the Sadar Hospital, Gopalganj, stating therein, that he sustained gun shot injury caused by deceased Abhishek Thakur and First Information Report against the petitioner has been lodged after delay of one day that too after preparation of inquest and post-mortem report, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Thawe Police Station Case No. 290 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

