

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20182 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- Pothia District- Katihar

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Gulshan Yadav @ Kaila Yadav @ Gulsan Kumar @ Gulsan Yadav Son of
Dhananjay Yadav R/o Village And P. S- Pothia, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate
For the State : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 307, 504 and 506 of the Indian Penal Code and Sections 25(1-b)a, 27 and 35 of the Arms Act.

3. The prosecution case, in brief, is that on 08.06.2024, while informant's son was returning from the field on his motorcycle, in the meantime, all 4 F.I.R. named accused persons, including this petitioner, stopped him, threatened to kill and asked for money. It is further alleged that at night, while informant was sleeping with his son, all the accused persons came there and co-accused Vishal Yadav fired from his gun upon son of informant as a result of which he became injured.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of causing fire arm injury is against co-accused Vishal Yadav. So far as this petitioner is concerned, there are general and omnibus allegations and there is no specific accusation of overt act against him and he is only alleged to be present at the place of occurrence. It is further submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 02.04.2025 passed in *Cr. Misc. No. 16761 of 2025*.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the general and omnibus nature of accusation and claim based on parity, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned J.M. 1st Class, Katihar in connection with Pothia P.S. Case No. 43 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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