

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20565 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- VIDYAPATINAGAR District- Samastipur

Dilip Garayan @ Dilip Garay @ Dilip Gaurine, Son of Late Kapleshwar
Garyan @ Kapleshwar Garay @ Kapleshwar Gaurine, Resident of Village -
Sherpur, P.S. - Vidyapati Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the informant	:	Mr. Bhola Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in connection with
Vidyapati Nagar P.S. Case No. 2 of 2025 dated 03.01.2025
instituted for the offence punishable under Sections 191(2), 190,
126(2), 127(2), 109(1), 326(G), 352, 351(2) of Bhartiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the petitioner along with other accused persons
armed with lathi-danda and country made pistol came to the house
of the informant and thereafter, co-accused Anil Garay sprinkled
petrol over the cattle shed of the informant and co-accused Deepak
Garay set the same on fire. The petitioner was alleged to hold the



son of the informant. Thereafter, co-accused Deepak Garay shot the informant's son which hit his right rib-cage. Co-accused Vikash Kumar also shot the informant's son which hit on his stomach. When the informant tried to take his injured son to his courtyard, co-accused, Utkarsh Kumar shot his son by country made pistol which hit below his left chest.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioner. Learned counsel for the petitioner submits that an independent witness has recorded his statement in paragraph 43 of the case diary who stated that two persons shot on the body of the son of the informant. The written statement of the injured person has been recorded/mentioned in paragraph 68 of the case diary. The said written statement was addressed to the S.H.O., Vidyapatnagar, Samastipur on the date of occurrence i.e. on 03.01.2025 and this statement has been recorded in presence of police personnel duly signed by A.K. Singh. It appears that the petitioner instigated the co-accused persons to fire upon the son of the informant. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed



the prayer for anticipatory bail of the petitioner. Learned senior counsel for the informant submits that the petitioner is the main culprit of the said occurrence, on whose instigation the said occurrence took place. The son of the informant was hit by three bullets on the instigation of the petitioner. It is further submitted that the said written statement of the injured person was recorded on 03.01.2025 while on the left side, 30.01.2025 has been written in presence of police personnel. As such, the petitioner is not entitled to anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Vidyapati Nagar P.S. Case No. 2 of 2025, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IInd , Dalsinghsarai at Samastipur subject to condition as laid down under Section 482(2) of the B.N.S.S., subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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