

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28809 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- TEKARI District- Gaya

Santu Kumar @ Amrit Raj S/o Ramashish Prasad Yadav R/o vill - Mahmana,
P.s.- Tekari, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri N.K. Agrawal, Sr. Advocate Shri Ashok Kumar, Advocate Shri Bibhuti Narayan, Advocate
For the Opposite Party/s	:	Shri Jagdhar Prasad, A.P.P.
For the Informant	:	Shri Manish Kumar No. 11, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 13-08-2025 1. Heard learned Senior Counsel for the petitioner,

learned A.P.P. for the State and learned counsel appearing on

behalf of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(1),
126(2), 115(2), 118(1), 117(2), 109, 324(4), 324(5), 3 and 5 of
the BNS.

3. Learned Senior Counsel for the petitioner submits
that informant alleges that on 07.03.2025 at about 11:00 p.m. his
son along with his friend were returning home after attending a
ceremony on a motorcycle when they reached near a school
when they were stopped by the accused persons. Further, the
accused persons assaulted his son with lathi, danda, iron rod and



stones causing head injury.

4. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence. Further, the allegation of assault is general and omnibus in nature i.e. no specific allegation of assault is alleged against any of the accused. It is further submitted that during the course of investigation, it transpired that petitioner was an order giver as recorded at paras 8 and 9 of the case diary. It is thus submitted that even presuming what has been alleged is true without admitting then petitioner was merely an order giver and had not assaulted the victim.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner and submits that though informant is not an eyewitness to the occurrence but then he was informed by the friend of his son about the occurrence and, accordingly, the FIR came to be instituted. It is further submitted that statement of the witnesses recorded under Section 180 BNSS before the police is not admissible in evidence. It is next submitted that son of the informant was an Army personnel and on a trivial dispute that he lighted the deeper of his motorcycle which irked the



accused persons leading to the occurrence. It is also submitted that the victim subsequently during the course of treatment died.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Tekari P.S. Case No. 121 of 2025 pending in the Court of learned Chief Judicial Magistrate, Gaya/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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