

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31421 of 2025**

Arising Out of PS. Case No.-605 Year-2024 Thana- SARAIYA District- Muzaffarpur

Chhotan Kumar @ Chhotan Pathak, Son of Vishvanath Pathak, Resident of
Village - Chaubey Ambara, P.S.- Saraiya, District – Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Tripathi, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-05-2025 Heard Mr. Akshay Tripathi, learned Advocate

appearing on behalf of the petitioner and Mr. Ajay Kumar Jha,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Saraiya P.S. Case No. 605 of 2024, registered for the
offences punishable under Sections 329(3), 126(2), 115(2), 109,
352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023
and Section 27 of the Arms Act, 1959.

3. The allegation against the petitioner is of causing
fire arm injury alongwith two other co-accused persons, leading
to bullet injury to one Akhilesh Thakur.

4. Learned Advocate appearing on behalf of the
petitioner taking this Court through the FIR contended that even



as per the narration, it is not specifically alleged that as to whether the bullet fired by the petitioner has hit any one, much less to Akhilesh Thakur. There is omnibus nature of allegation of making indiscriminate firing. In fact, the reason behind the false implication is said to be Saraiya P.S. Case No. 515 of 2024, lodged by the wife of the petitioner against the family members of the informant; the present FIR is nothing, but instituted with a view to settle the score with the petitioner. Moreover, no arms and ammunition has been recovered from the whereabouts of the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from three criminal antecedent as has been disclosed in paragraph no. 3, there is a specific allegation that the petitioner alongwith two other co-accused persons have made indiscriminate firing, causing two bullet injuries to injured Akhilesh Thakur, which has also been corroborated from the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing fire arm injury to the injured, coupled with the criminal antecedent, this Court is not acceded to the



prayer for anticipatory bail of the petitioner. The anticipatory
bail application stands rejected.

(Harish Kumar, J)

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