

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31682 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- Refinery District- Begusarai

Gautam Pathak, S/o- Shambhu Pathak, R/o Village- Sabaura P.S.-Refinery
Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Refinery P.S. Case No.140 of 2024 registered
for the offences punishable under Sections 115(2), 126(2),
109(1), 352 and 3(5) of the BNS, 2023.

3. Allegedly, while the father of the informant was
sleeping outside the house, in the meanwhile, the person, who
was roaming nearby in suspicious circumstances was questioned
by his father, whereupon he emerged as Gautam Pathak
(petitioner) and started abusing his father. When the same was
resisted, this petitioner assaulted the informant's father by means
of knife over his head and cheek.

4. Learned Advocate for the petitioner taking this



Court through the FIR has contended that apart from the same is in a duly typed copy, it has not been disclosed as to on which date the occurrence took place. In fact, both the petitioner and the informant as well as his father are of same village and on account of instigation made by some unscrupulous persons, the FIR has been instituted. The father of the informant was treated in Local Health Care, a private hospital, but surprisingly, no information was given to nearby police station and, later on, this FIR has been instituted on 13.12.2024. Though, the injury report suggests that the injuries are grievous in nature but it has not been specifically explained; all the more, the injury report has not been issued by the private nursing home. The petitioner is in custody since 10.03.2025 having fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that specific allegation of assault has been levelled against the petitioner, which proved grievous in nature.

4. Regard being had to the submissions made on behalf of the parties and considering the manner in which the accusation has been made, coupled with the fact that the



investigation of the crime is complete and the charge-sheet has been submitted, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Refinery P.S. Case No.140 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

rohit/-

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

