

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32188 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- RAMKRISHNANAGAR District- Patna

Gautam Kumar Son of Dukhan Yadav Resident of Khaira Toli, PS- Ram
Krishna Nagar, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Chandan Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Ram Krishna Nagar P.S. Case No. 51 of 2025 lodged on 18.01.2025, for the offence punishable under Sections 126(2), 115(2), 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act, pending in the Court of J.M.F.C-15, Patna.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. It has been alleged in the FIR that when the informant and others entered the marriage hall for the birthday celebration of the



informant's son on 17.01.2025, the petitioner abused the informant, took out a pistol, and aimed it at him. At that moment, the informant's brother-in-law ('sala') intervened and was shot in the stomach by a bullet allegedly fired by the petitioner. In the meantime, all accused persons fled away and subsequently, the injured was referred to the hospital for medical treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that though, the name of petitioner is there in the FIR, but the subsequent material falsifies the statement of the FIR. Counsel submits that on previous occasion, case diary has been called for and the statement recorded therein is not supported by the statement of the informant. Counsel submits that the date of occurrence was 17.01.2025, but the FIR has been lodged on 18.01.2025 at about 16.05 hrs i.e. much delay. Counsel submits that the statement made in paragraph no.33 of the case diary indicates that the informant was in the state of extreme intoxication and he has not seen that who was there as after firing, all persons fled away. Counsel submits that this is the statement of independent witness. Counsel submits that the injured has also not stated the name of any person as statement



was recorded in paragraph no.94. Counsel further submits that the petitioner has three criminal antecedents and he is on bail in all the cases.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the case diary, it transpires that contradictory statement has come. The initial statement indicates that the petitioner was present, but the injured as well as the independent witness has not intimated that who was present in the hall after firing. The injured has also not stated that who has fired on him.

6. After hearing the parties and going through the pleadings, it transpires to this Court upon bare perusal of the FIR that there is a direct allegation that the petitioner that he has fired upon the informant's brother in law due to which, injury has been caused in his stomach.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the



contents of this case, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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