

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45607 of 2025

Arising Out of PS. Case No.-697 Year-2024 Thana- GAURICHAK District- Patna

Rahul Kumar @ Vinay Pd. Son of Akhilesh Prasad @ Late Akhilesh Prasad
Resident of Village- Vishambhar Tola, Kandap, P.S.- Gaurichak, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Gaurichak P.S. Case No. 697 of 2024 registered under Sections
103(1), 352, 61(2)(a), 351(3) of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons came to the house of the
informant and started abusing husband of the informant and on
protest, the petitioner fired upon her husband due to which he
died on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Learned counsel for the petitioner also submits that the petitioner and informant are *goitya* and due to some prior family disputes, the petitioner has been falsely implicated in this case. It is next submitted that on perusal of the postmortem report, it appears that the cause of death is head injury caused by hard and blunt object, whereas allegation against the petitioner is that he fired upon the deceased which in the chest of the deceased and hence, the postmortem report does not corroborate with the case of prosecution. The petitioner has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the witnesses have supported the case of prosecution and there is specific allegation of firing and causing death against the petitioner. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall



consider and dispose of the same on its own merit without being
prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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