

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51296 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Roshan Kumar @ Raushan Kumar @ Roshan kr. S/O Vijesh Kumar Yadav @
Brajesh Yadav Resident of Village- Kahra Ward No. 06/41, P.S- Saharsa
Sadar, District- Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks anticipatory bail in connection with Saharsa Sadar P.S. Case No. 73 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 324(4), 324(5), 109, 303(2), 352, 351(2), 351(3), 3(5) of BNS 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the informant has set up his own tea and snacks stall near the Premlata College. On 15.01.2025 at noon, three to four accused persons came to his shop on bike and petitioner Raushan Kumar asked him to bring snack for him, thereafter, the informant told that it would take some time. Upon hearing the said version, the petitioner



Raushan Kumar got furious and picked up his gas cylinder and threw it and told the co-accused Prince Kumar to bring the weapon. It is alleged that petitioner Raushan Kumar fired upon the informant and asked co-accused Prince to take Rs. 2000/- kept in the cart. The accused persons fled away after seeing the informant's uncle Shankar Kamat, threatening him to kill if he lodged a case. Thereafter, the informant informed the police and gave the empty cartridge found on the place of occurrence to the police.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. No one sustained any injury and from perusal of the FIR, it appears that the dispute arose on the petty issue and no intention of firing can be inferred from the given facts and circumstance of the case. Even the empty cartridge was not taken by the police rather it was produced by the informant himself. On the very authenticity of production from the seizure list is doubtful. Apart from that, petitioner has no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of the petitioner finds place in the FIR and he cannot escape from



the allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both the sides and also taking into consideration the materials available on record, the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 73 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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