

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50346 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- BARHIYA District- Lakhisarai

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Gaurav Kumar S/o Upendra Singh R/o Village- Barhiya, Ward No. 08, P.S.-
Barhiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

02. In the present case, the petitioner seeks bail in connection with Barhiya P.S. Case No. 87 of 2025 registered for the alleged offences under Sections 115, 126(2), 109(1), 351(2), 352, 308, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

03. As per prosecution case, petitioner and other co-accused persons surrounded the informant and his son and threatened them with pistol and asked them to close Barhiya P.S. Case No. 102 of 2024 and Barhiya P.S. Case No. 82 of 2025. When the informant and his son refused, they were assaulted with *lathi*, causing injuries to them. Thereafter, the miscreants fled away opening fire in air. They had also been demanding Rs.



5,00,000/-.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is false and fabricated. The petitioner is not the accused either in Barhiya P.S. Case No. 102 of 2024 or Barhiya P.S. Case No. 82 of 2025. Learned counsel further submits that allegation of giving threat to life of informant and his son is against co-accused Saurav Kumar and Golu Kumar. Though there is general and omnibus allegation of assault and causing injury to the informant and his son but there is no injury report on record. The petitioner is in custody since 13.05.2025 and charge-sheet has been submitted. The petitioner is having antecedent of one case, i.e., Barhiya P.S. Case No. 100 of 2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific and non-serious nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 Cheif Judicial Magistrate, Lakhisarai in connection with Barhiya P.S. Case No. 87 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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