

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49513 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- GAURICHAK District- Patna

Birendra Kumar @ Virendra Kumar S/o Dharmdev Singh R/o Village-
Bahera, Police Station- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anjana, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP
For the Informant	:	Mr. Manoj Kumar, Adv.

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

ORAL ORDER

3 09-10-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the informant.
Perused the case diary.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected by a Co-
ordinate Bench of this Court vide order dated 07.02.2025 passed
in Cr. Misc. No. 89703 of 2024.

3. The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 372 of 2024 instituted for the offences
under Sections 115(2), 126(2), 109, 3(5) of the Bhartiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

4. As per prosecution case, the petitioner along with
other co-accused persons came to the informant and fired upon



him which hit his left leg and he got injured.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Both the parties are Gotiya and the petitioner has been implicated in this case by the informant only due to *Pattidari* land dispute and previous grudge as also due to dirty village politics. He further submits that from the injury report, it appears that the the informant has received one injury at the knee which is not a vital part of the body and, thus, Section 109 of the B.N.S. is not attracted in this case. The petitioner has three criminal antecedents and is languishing in judicial custody since 02.04.2025 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits that the co-accused Nanhak Singh @ Ravindra Singh has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 14.02.2025 passed in Cr. Misc. No. 1958 of 2025.

7. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is further stated that there is specific allegation of firing against the petitioner due to which the



informant sustained fire-arm injury upon his knee.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaurichak P.S. Case No. 372 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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