

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50653 of 2025**

Arising Out of PS. Case No.-119 Year-2025 Thana- KASIMBAZAR District- Munger

Gautam Kumar S/o Nand Kishore Yadav R/o Mohalla- South Shastri Nagar,  
P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Amit Shrivastava, Sr. Advocate |
|                          | : | Mr. Vipin Kumar, Advocate          |
|                          | : | Mr. Girish Pandey, Advocate        |
| For the Opposite Party/s | : | Mr. Harendra Prasad, Advocate      |
| For the Informant        | : | Mr. Rakesh Kumar, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      22-12-2025                      Heard Mr. Amit Shrivastava, learned senior counsel  
  
for the petitioner, Mr. Harendra Prasad, learned Additional  
  
Public Prosecutor for the State and Mr. Rakesh Kumar, learned  
  
counsel for the Informant.

2. The petitioner is apprehending his arrest in connection with Kasim Bazar P.S. Case No. 119 of 2025, F.I.R. dated 04.05.2025 for the offences punishable under Sections 103(2), 3(5), 61(2) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report,the informant alleged that the petitioner along with other co-accused persons killed his son, namely, Govind Kumar (now, deceased).



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. From bare perusal of the FIR, it appears that the petitioner and others were hiding in adjacent lane and there is no specific allegation of assault or overt act or firing attributed against the petitioner and infact one dispute is going on between the deceased and co-accused, namely, Praveen Kumar and there is specific allegation against co-accused, Praveen Kumar in the FIR that he shot bullet in the chest of the deceased.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner along with other co-accused persons have committed the present crime in question and petitioner was also involved in the present crime in question.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or firing against the petitioner and the petitioner has clean antecedent, let the petitioner, above named, in the event of arrest or surrender



before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 119 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bond in terms of the above-mentioned order  
shall not be delayed for purpose of or in the name of  
verification.

**(Rajesh Kumar Verma, J)**

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