

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54367 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- MUSAHARI District- Muzaffarpur

Param Ram Sharma @ Chintu @ Chintu Sharma S/O Ram Kumar Sharma
R/O Village- Bankul Chhpara, Chapra Megh Rai, P.S- Mushahari, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Saket Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-08-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS, 2023 read with Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases, but then all cases are under the excise act. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.
4. It is next submitted that the informant alleges that his nephew Raushan on 06.05.2025 at 08:00 PM informed that



his nephew Mithilesh has been shot and is under treatment at Parasar Hospital, Muzaffarpur, accordingly the informant reached the hospital when doctors informed that Mithilesh died, further on inquiry, it was disclosed that his nephew had gone to the house of Ranjeet for attending a feast, from where Anshu took him to the house of Basant, where Anuj, petitioner, Ranjeet and Nishant were present from before and there was a scuffle between his nephew and the accused persons, further on orders of Chintu (petitioner), accused Anuj took out his pistol and gave it to Anshu, who shot the deceased, thereafter the accused persons took him to the Parasar hospital and on coming to know that Mithilesh died, they fled.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest that as to how the informant came to know about the involvement of the petitioner and other accused persons in the occurrence. It is further submitted that Raushan only informed that Mithilesh was shot, it is next submitted that in the FIR it is also alleged that the accused persons including the petitioner after committing the



occurrence took the deceased to Parasar Hospital and fled when they came to know that he has died. It is next submitted that it does not appear probable that had the petitioner and other accused been involved in the occurrence in that event they would have taken him to the hospital, it is thus submitted that the FIR does not inspire confidence. It is also submitted that though it has been submitted that Raushan is an eye witness to the occurrence, but then he is not, as during the course of investigation it has come that Raushan also heard about the occurrence and thereafter disclosed to the informant, but then the name of the person from whom Raushan came to know about the occurrence has not been disclosed during the course of investigation.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner and the learned counsel appearing on behalf of the informant submits that Raushan is an eye witness to the occurrence and it was based on his disclosure that the instant FIR came to be instituted on which the learned counsel appearing on behalf of the petitioner submits that the FIR does not even remotely suggest that Raushan disclosed about the occurrence to the informant based on which the instant



FIR was instituted, it is thus submitted that in order to implicate the accused persons by way of afterthought during the course of investigation, it is being claimed that Raushan is an eye witness to the occurrence.

7. The learned counsel appearing on behalf of the informant next submits that petitioner has antecedent of four cases and in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence. It is also submitted that it also appears improbable that on orders of petitioner, Anuj would have taken out his pistol and thereafter would have given to Anshu and Anshu would have shot, as such, it is submitted that all accused have been assigned with some role. It is also submitted that there was no dealing of any money in between the petitioner and the deceased.

8. Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mushahari P.S. Case No. 96 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

9. One of the bailors of the petitioner shall be his father, Ram Kumar Sharma.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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