

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56433 of 2025

Arising Out of PS. Case No.-254 Year-2025 Thana- BATHNAHA District- Sitamarhi

1. Rahul Kumar S/O Ganesh Rai Resident of Village- Chhatwagarh, P.S.- Bathnaha, Dist- Sitamarhi
2. Sujit Kumar S/O Upendra Rai Resident of Village- Malikana, P.S.- Bathnaha, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mrs. Divya Bharti, Advocate
		Mr. Pushpendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2025 Heard Mr. Ashok Kumar Jha, learned Counsel for the petitioner and Mrs. Divya Bharti, learned counsel for the informant and Mr. Ajay Kumar No. 2, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bathnaha P.S. Case No. 254 of 2024 for the offence registered under sections 126(2), 127(2), 115(2), 109(1), 3(5) of B.N.S. and Section 27 of the Arms Act, lodged on 24.05.2025 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the informant alleged that while he was returning home, Rahul kumar and Sujit Kumar caught hold of him and after abuse, Sujit Kumar opened fire which fortunately did not hit him, this led to the FIR.

4. Learned Counsel for the petitioners submits that



exacerbated FIR is there, it is unbelievable that two round were fired and he did not suffered injuries, in fact the informant himself has took the cartridges to make out a case. The last submission is that he do not have criminal antecedent.

5. Mrs. Divya Bharti representing the informant, on the other hand, opposes the prayer for anticipatory bail submits that it was sheer chance that the informant was saved. As the accused has made ensure that he leaves the world.

6. Considering the submissions of the parties as also the fact that though allegation of opening fire is there, no injury has been attributed, these two petitioners have no criminal antecedent, an undertaking has been given that they shall be cooperating in the investigation, appearing in the trial diligently, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Sitamarhi in connection with Bathnaha P.S. Case No. 254 of 2024, subject to condition as laid down under Section 438(2) of



the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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