

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65904 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- GAMAHARIYA District- Madhepura

1. Saurabh Kumar S/o Kaushal Mehta R/o Village - Orahi, P.S - Gamhariya, District - Madhepura
2. Gautam Kumar @ Gautam Raj S/o Arjun Mehta R/o Village - Choughara, P.S - Supaul, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Dinkar Kumar, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, it is alleged that Petitioner No. 2 caught hold of husband of informant and Petitioner No. 1 fired shot from his pistol which hit husband of informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Informant is not an eye-witness of



the alleged occurrence. From bare perusal of the F.I.R. it is apparent that there is absolutely no allegation of overt act against Petitioner No. 2 and he is only alleged to have facilitated the commission of offense by catching hold of husband of informant. Petitioners claim clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that Petitioner No. 2 caught hold of husband of informant and Petitioner No. 1 opened fire upon him.

6. Considering the facts and circumstances of the case and fact that Petitioner No. 1 caused fire arm injury, the prayer for grant of anticipatory bail to Petitioner No. 1 is rejected.

7. So far as Petitioner No. 2 is concerned, considering the fact that there is no specific allegation of overt act against him and clean antecedent of the petitioner, the prayer for grant of anticipatory bail to Petitioner No. 2 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner No. 2 be enlarged on bail on furnishing bail-bond of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Gamhariya P.S. Case No. 19 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

9. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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