

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67873 of 2025

Arising Out of PS. Case No.-337 Year-2025 Thana- SHERGHATI District- Gaya

Rajeev Pathak @ Rajeev Kumar Pathak @ Raju Pathak Son of Jagarnath Pathak Resident of Mohalla- Pathak Toli, Ward no. 10, PS- Sherghati, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Purushottam Kumar, Advocate
For the Opposite Party/s:		Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-09-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Sherghati P.S. Case no.337 of 2025, registered under sections 109, 126(2), 115(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that three accused persons on a motorcycle overtook him. Thereafter, it is stated that Danish Ekbal fired upon him. Though the informant made an attempt to escape, one of the shots fired by Danish Ekbal hit the informant causing serious injuries. The informant further states that the firing was resorted to by Danish Ekbal on the *supari* being given by the petitioner.



4. Learned counsel for the petitioner submits that from the contents of the FIR itself it would be evident that so far as the overt-act is concerned, the same is solely against Danish Ekbal. It is submitted that the petitioner is not even said to be one of the three accused on the motorcycle when the firing on the informant took place. It is further submitted that so far as the allegation of the petitioner giving *supari* for committing the overt-act as alleged in the FIR is concerned, reference is made to an earlier FIR being Sherghati P.S Case no.1108 of 2022 registered under sections 341, 324, 504 and 379 of the I.P.C by this petitioner wherein the informant of the present case was a named accused and wherein after submission of chargesheet, cognizance has been taken in the case on 18.12.2023 (Annexure-2) under section 307 and other sections of the I.P.C. Learned counsel in reference to Annexure-3 submits that yet another case was lodged by the informant of the present case against the family members of the petitioner being Amas P.S Case no.488 of 2022 registered under sections 341, 323, 324, 379 and 504 of the I.P.C wherein on investigation final form was submitted on 28.10.2023 vide Annexure-3. It is thus submitted that in view of the admitted enmity between the parties and no overt-act having been alleged against this



petitioner, he be enlarged on bail.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., no overt-act having been alleged against him together with the admitted enmity between the parties vide documents brought on record as Annexures to the instant petition, in the facts of the case, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sherghati P.S. Case no.337 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Sherghati, Gaya.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

