

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74386 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- GAMAHARIYA District- Madhepura

Sushil Kumar S/o Bijay Mehta @ Bijay Kumar Mehta R/o vill - Aurahi, ward
no. 07, P.S.- Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gamhariya P.S. Case No. 110 of 2024 registered for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act.

3. As per prosecution case, informant received information that three miscreants after making firing at Binod Paudhar's Dhaba situated near Sat-Tarave Bridge, they have fled towards Gamhariya on a motorcycle. During the course of vehicle checking, after seeing the police, they tried to flee away. Informant alongwith police officials chased them and one of the miscreants namely, *Golu Kumar* got apprehended at the place of occurrence and one country made pistol and on unloading the



same on empty cartridge and one live cartridge were recovered from his possession. It is alleged that the apprehended co-accused disclosed the name of petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that two FIRs have been lodged for the same occurrence i.e. one is Gamhariya P.S. Case No. 110 of 2024 under Section 25(1-b)a/26/35 of the Arms Act and second FIR is Gamhariya P.S. Case No. 111 of 2024 under Section 307 of IPC and 27 of the Arms Act. He further submits that police has submitted final form against the petitioner in connection with Gamahariya P.S. Case No. 111 of 2024. Petitioner bears no criminal antecedent. He further submits that name of the petitioner has been transpired in this case upon the disclosure of said apprehended co-accused Golu Kumar. Except disclosure of the said apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to dirty village politics.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that



petitioner is FIR named accused person. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Gamahariya P.S. Case No. 110 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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