

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78645 of 2025

Arising Out of PS. Case No.-441 Year-2024 Thana- GOGRI District- Khagaria

Kumod Yadav S/O Bisho Yadav R/O Vill.- Bhuriya Tadi, Ward no. 22, P.S.-
Gogri, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352 and 3(5) of B.N.S., 2023 as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he was intercepted by the named accused persons and three unknown accused and petitioner fired causing injury on hand and repeated the fire causing injury on left chest and thereafter the accused persons took Rs. 20,000/-, further Kumod Yadav fired on orders of Dharamveer Yadav and Bisho Yadav.

4. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 28.11.2024 and the FIR came to be instituted on 15.12.2024, i.e., after a delay of 17 days without any plausible explanation. It is next submitted that had the occurrence of the nature, as alleged, taken place, in that event, the hospital would have informed the police that a victim of firearm injury has been admitted in the hospital but then that is also not the case.

5. Learned APP vehemently opposes the anticipatory bail application and submits that there is specific allegation against this petitioner of firing causing firearm injury on hand and chest of the informant. It is further submitted that no doubt the FIR has been instituted after a delay of 17 days but then the informant in the FIR has specifically stated that he was initially treated at Sub-divisional Hospital from where he was referred to a higher center on the ground that cartridges got fixed in the hand, as such, he got himself treated at Kalpana Nursing Home, Begusarai, hence, there was some delay in instituting the FIR. The learned APP further submits that from perusal of the pleadings made in the anticipatory bail application, it would manifest that no ground has been assigned for false implication



nor the status of the petitioner is recorded, i.e., what he does for his earning. It is also submitted that investigation of the case is still continuing and if the petitioner is innocent, final form would be submitted but then it is not a case where the Court should exercise its discretion to grant anticipatory bail.

6. Considering the submissions made by the learned APP, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner. Hence, the prayer for grant of anticipatory bail to the petitioner is hereby rejected in connection with Gogri P.S. Case No.441 of 2024, pending in the court of learned Chief Judicial Magistrate, Khagaria.

(Satyavrat Verma, J)

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