

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81166 of 2025

Arising Out of PS. Case No.-437 Year-2025 Thana- BARH District- Patna

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1. Gautam Kumar @ Kala S/O Kamlesh Pandit @ Lalan Yadav R/O Vill.- Milkipar, P.s.- Barh, Dist.- Patna
 2. Rajesh Kumar @ Matru Yadav S/O Bindeshwari Gop @ Lalan Yadav According of FIR R/O Vill.- Milkipar, P.s.- Barh, Dist.- Patna, But Petitioners are R/O Vill.- Basobaghi, P.s.- Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Barh P.S. Case No. 437 of 2025, registered for the offence punishable under Sections 126(2), 115(2), 109(1) and 3(5) of B.N.S. and 27 of the Arms Act.

3. As per the prosecution case, the informant's son along with his brother proceeded to the house of their relative and on the way, her son collided with a car as a result of which scratch was found on the said car. It is alleged that petitioners and others assaulted the informant's son by means of iron rod as result of which informant's son sustained injury. It is alleged that co-accused Rakesh Kumar fired upon the informant's son but



informant's son escaped unhurt.

4. Learned counsel for the petitioners submits that from the perusal of FIR, it appears that the occurrence took place on 15.07.2025 and FIR was registered on 18.07.2025 i.e. after delay of about three days and no plausible explanation has been given regarding the said delay. He further submits that dispute arose on account of collision and scratch on car. He further submits that allegation of assault is general and omnibus in nature. He further submits that from the perusal of FIR itself, it is evident that no one has sustained firearm injury in the alleged occurrence. He further submits that four accused persons including the petitioners assaulted the informant's son but the informant's son sustained simple injury which falsifies the allegation made in the FIR. He further submits that the present case is nothing but the counter blast to Barh P.S. Case No. 435 of 2025 filed by the co-accused Rakesh Kumar @ Rakesh Yadav, as mentioned in impugned order. He further submits that petitioner no. 1 bears no criminal antecedent and petitioner No. 2 has antecedent of four cases in which he is on bail. On similar and identical allegations, co-accused Rakesh Kumar @ Rakesh Yadav and Kundan Kumar have already been granted anticipatory bail by this Court vide Cr. Misc. No. 73468



of 2025 and on the principle of parity, the petitioners deserve anticipatory bail.

5. Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, co-accused Rakesh Kumar @ Rakesh Yadav and Kundan Kumar have already been granted anticipatory bail by this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above named, in the event of their arrest/ surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Barh, Patna in connection with Barh P.S.Case No. 437 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, the application stands allowed.

(Alok Kumar Pandey, J)

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