

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7116 of 2026

Arising Out of PS. Case No.-364 Year-2025 Thana- KALYANPUR District- Samastipur

Amarjeet Kumar Gaurav @ Hariom Yadav @ Hariom Ray Son of Ram Sushil Yadav @ Ram Sushil Kumar Yadav Resident of Village- Manorathpur, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate
	:	Ms. Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks bail who is in custody since 11.11.2025 in connection with Kalyanpur P.S. Case No. 364 of 2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 352, 351(2) and 3(5) of BNS and Section 27 of Arms Act.

3. The case of the prosecution, in brief, is that one Samant Kumar Ray, the informant, gave his written application to the SHO, Kalyanpur PS on 07.11.2025 with regard to an incident dated 06.11.2025 disclosing therein that he is Mukhiya of Gram Panchayat Raj Simria Bhindi. It is further alleged that on 05.11.2025 at 12:00 the accused petitioner had openly abused



the informant throughout the village Bhindi. Thereafter, the informant came to know that the petitioner is making conspiracy for killing him. Further it is alleged that on 06.11.2025 at 6:45 hours in evening while the informant was going to break Chimni from Panchayat Bhavan in the meantime informant reached near the bridge where the informant found the petitioner who along with two persons were standing with motorcycle. It is further alleged that all the accused persons started abusing the informant and thereafter allegation is that accused petitioner shot fired upon the informant but fortunately the bullet did not touch and passed besides him. Thereafter informant after making alarm fled away to save his life when nearby people gathered to the place then after seeing them all accused persons fled away with his motorcycle. It is further disclosed by the informant that on earlier occasion also the accused petitioner had intercepted his vehicle and he had abused his driver.

4. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that although there is direct and specific allegation against the petitioner in the FIR that petitioner has fired upon the informant but fortunately/unfortunately the bullet



did not touch the informant. Learned counsel for the petitioner submits that no such occurrence has taken place and due to previous dispute the petitioner has falsely been implicated in the present case and police after investigation has submitted charge-sheet on 04.01.2026 and petitioner is in custody since 11.11.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and there is direct and specific allegation against him. Apart from that, petitioner has antecedent of four cases other than the present case but fairly submits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with in connection with Kalyanpur P.S. Case No. 364 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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