

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8684 of 2026

Arising Out of PS. Case No.-422 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

=====

Hari Narayan Gupta S/o Late Ramchandra Gupta R/o Ram Chandra Nagar,
ward No. 11, Chhatauni Bazar, P.S- Chhatauni Motihari, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Ujjwal Raj, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 307, 34 and
120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, it is alleged that this
petitioner, in conspiracy with other associates, fired on one
Keshav Kumar as a result of which he sustained four gun shot
injuries.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner is quite innocent and has
committed no offence. Petitioner was never summoned or called



in connection with the present case and his name surfaced on 16.09.2025, i.e. nine years after commission of the alleged offence and three years after submission of the charge-sheet, only on the basis of statement of injured Keshav Kumar who stated that this petitioner is member of a gang which orchestrated the attack. However, in investigation, police did not find any material in support of statement of injured Keshav Kumar and hence, implication of this petitioner as an additional accused is wholly unjustified and is not supported by any of the independent witnesses. Moreover, three charge-sheets have been filed in the instant case and the allegation of conspiracy was made way back in the year 2016 itself, however, the police never investigated against this petitioner and the same shows gross misuse of provisions under Section 173(8) of the Cr.P.C..

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that name of petitioner surfaced in this case during investigation the basis of statement of injured Keshav Kumar who has disclosed that this petitioner is member of the gang which fired upon him. Petitioner has got four criminal antecedents.

6. Considering the facts and circumstances of the



case, gravity of offence, material available on record and criminal antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

shashank/-

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

