

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16364 of 2026

Arising Out of PS. Case No.-510 Year-2025 Thana- HARNAUT District- Nalanda

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Lavkush Kumar @ Ravish Kumar S/O Bhuneshwar Prasad R/O Vill.-
Phalahawan, P.S.- Harnaut, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 02-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Harnaut P.S. Case No. 510 of 2025, dated 10.11.2025, lodged under Sections 103(1) & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Section 27 of the Arms Act, pending before the Court of Learned Addl. Sessions Judge-IVth, Bihar Sharif-cum-Exclusive Special Judge [POCSO].

3. As per the prosecution, an FIR has been lodged against six named accused persons, including the present petitioners. It is alleged that all six persons arrived on the land and instructed the informant to store grain there. The husband of the informant told the accused persons that they had already



taken three bighas of land earlier, and requested them to at least leave the agricultural land he was currently using for farming. It has been alleged that a heated discussion ensued, during which the petitioner and his father arrived at the scene holding a gun and a rifle. It is further alleged that a co-accused, the grandmother of the petitioner, arrived with cartridges. She handed the cartridges to her daughter-in-law, who then passed them to the petitioner and his father. Thereafter, the father of the petitioner loaded a cartridge into the gun and fired at the informant's husband's face, causing him to collapse and die on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the contents of the F.I.R., it is clear that a land dispute was ongoing between the parties. He further submits that the allegations are general and omnibus in nature, and there is no specific overt act attributed to the petitioner. He further submits that it has only been alleged in the F.I.R. that the petitioner was standing near the place of occurrence. Counsel further submits that the petitioner has already completed his B.Sc. and is currently pursuing Teachers' Training at Ramkripal Teacher Training College, Harnaut meaning there is no chance of him



absconding. Counsel emphasizes that although it is alleged a rifle was in the petitioner's hand, the said rifle, being without cartridges, should basically be treated as a *lathi*. Furthermore, since there is no act or overt act attributed to him, there is a lack of common intention. He further submits that the mother of the petitioner has already been granted anticipatory bail by a coordinate Bench of this Court, therefore, the petitioner should also be granted anticipatory bail.

5. Learned APP for the State opposes the prayer for bail and submits that it is specifically alleged in the F.I.R. that the petitioner and his father were present with a gun and a rifle. It is true that the shot was fired by the father of the petitioner and the petitioner himself did not fire, but arriving together with deadly weapons indicates that they reached the scene with a common intention. The fact that one of the persons fired and the other did not does not mean the petitioner is innocent. Therefore, it cannot be said that the petitioner is innocent.

6. Considering the facts and circumstances of the present case, particularly upon perusal of the case diary and the postmortem report, it is true that only one injury was found on the body of the deceased. However, the petitioner was present on the spot with a deadly weapon, a fact which has been



supported by independent witnesses. Although no specific overt act is attributed to the petitioner, since he was present at the place of occurrence with a deadly weapon, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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