

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23278 of 2026

Arising Out of PS. Case No.-203 Year-2025 Thana- GURUA District- Gaya

Raju @ Md. Rizwan Shaikh Son of Shakil Ahamad @ Shakib Miya Resident
of Vill. - Gudru, P.S. -Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Advocate

For the State : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 17-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gurua P.S. Case No. 203 of 2025 in a case registered for the offence punishable under Sections 191(2), 191(3), 127(1), 115(2), 117(2), 109, 132 and 299 of the BNS, 2023 and later on Section 103(2) of the BNS was also added.

3. The prosecution case relates to death of a person caused on account of communal clash between parties, including the petitioner.

4. Learned counsel for the petitioner submits that as many as 25 persons have been made accused in the first information report and the dispute between the parties escalated on account of some communal disturbance. It is further submitted that there are general and omnibus allegations made in the FIR and no specific allegation whatsoever has been attributed against the



petitioner who is a young boy aged about 20 years. It is further submitted that a number of other co-accused persons have been granted privilege of regular bail from several co-ordinate Benches of this Court. It has further been submitted that there was a clash and assault from both the sides and the deceased was also made an accused.

5. Learned APP for the State has opposed the application for anticipatory bail on the ground that a person has died in the incident on account of the injuries received and the petitioner also has a criminal antecedent but it relates to case arising out of the same incident.

6. It has also been pointed out that the other co-accused persons have been granted privilege of regular bail by different co-ordinate Benches of this Court and anticipatory bail of three co-accused persons has been rejected vide order dated 05.02.2026 passed in Cr. Misc. No. 52999 of 2025.

7. Taking into consideration the facts and circumstances and also considering the fact that in the present case, the injuries have led to death of person during course of treatment and the anticipatory bail prayer of similarly situated co-accused persons has already been rejected by a co-ordinate Bench, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this bail application is rejected.



8. However, in case the petitioner surrenders before the learned court concerned and seeks regular bail within a period of three weeks, the same shall be considered on its own merit without being prejudiced by the present rejection and the learned Court concerned may also take into consideration the fact that all the similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court considering that the incident happened in a mob frenzy.

(Soni Shrivastava, J)

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