

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31971 of 2026

Arising Out of PS. Case No.-605 Year-2024 Thana- SARAIYA District- Muzaffarpur

Chhotan Kumar @ Chhotan Pathak S/o Vishvanath Pathak R/o Village -
Chaubey Ambara, P.S. - Saraiya, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 14-05-2026 Heard the parties.

2.This is the second attempt of the petitioner for grant of regular bail in connection with Sessions Trial No. 1022 of 2025 arising out of Saraiya P.S. Case No. 605 of 2024, registered for the offences punishable under Sections 329(3), 126(2), 115(2), 109, 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959.

3. The allegation against the petitioner is of causing fire arm injury alongwith two other co-accused persons, leading to bullet injury to one Akhilesh Thakur.

4. The petitioner is in custody since 22.05.2025.

5. Learned Advocate appearing on behalf of the petitioner, taking this Court through the FIR, has contended that even as per the narration, it is not specifically alleged that as to



whether the bullet fired by the petitioner has hit any one, much less to Akhilesh Thakur. There is omnibus nature of allegation of making indiscriminate firing. In fact, the reason behind the false implication is said to be Saraiya P.S. Case No. 515 of 2024, lodged by the wife of the petitioner against the family members of the informant; the present FIR is nothing, but instituted with a view to settle the score with the petitioner. Moreover, no arms and ammunition has been recovered from the whereabouts of the petitioner.

6. Considering the facts of the case and the period of custody of the petitioner, this application is allowed.

7. 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 concerned Court below in connection with Sessions Trial No. 1022 of 2025 arising out of Saraiya P.S. Case No. 605 of 2024.

(Sandeep Kumar, J)

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