

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40784 of 2026

Arising Out of PS. Case No.-92 Year-2026 Thana- GUTHANI District- Siwan

Golu Tiwari @ Gaurav Nath Tiwari Son of Shambu Tiwari Resident of
Village - Chakiya, P.S.- Guthni, Dist.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Mr.Adarsh Tiwari, Advocate Mr.Tejas Vatsa, Advocate
For the State	:	Mr.Navin Kumar Pandey, Advocate
For the Informant	:	Mr.Ajay Kr. Thakur, Advocate Ms.Kumari Anupam, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2026 Heard Mr. N.K. Agrawal, learned senior counsel for the
petitioner, Mr. Ajay Kumar Thakur, learned counsel for the
informant and learned A.P.P. for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Guthni P.S. Case No. 92 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 61(2) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and Section 27 of the Arms Act.

3. As per FIR, informant alleged that petitioner alongwith other named co-accused persons resorted firing upon him while he was returning to his home. It is alleged that the occurrence took place in the background of local political



rivalry.

4. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner submitted that allegation of firing is not available against this petitioner and if, face of the FIR be taken into consideration, then, it makes the identification of petitioner improbable, for the reason that it was claimed to identify the petitioner in the headlight of motorcycle, whereas it is specifically alleged that firing was made from behind.

5. It is submitted by Mr. Agrawal that both aspects are contrary to each other. It is also pointed out that in the background of indiscriminate firing from very close range by all accused persons, only one fire-arm injury was found upon the informant, which also makes the allegation false on its face. Explaining criminal antecedent, it is submitted that petitioner found involved in nine more criminal cases, where he is on bail in seven (7) criminal cases.

6. Learned A.P.P. for the State is present.

7. Mr. Ajay Kumar Thakur, learned counsel for the informant, while opposing the prayer of anticipatory bail of the petitioner, submitted that petitioner was named in the FIR and was also one amongst accused persons, who opened firing upon the informant. It is submitted that admittedly, the injury report



suggest that the informant received gunshot injury on his abdomen causing penetrative fire-arm wound, damaging his vital parts of the body. It is submitted by Mr. Thakur that the allegation of firing is available against this petitioner, which in itself is sufficient to gather that petitioner was also under intention to cause death of the informant and, therefore, it is hardly matter whether firing made by petitioner in actual hit to the informant or not.

8. In view of aforesaid factual submissions and by taking note of the fact as the petitioner specifically alleged to open firing upon the informant alongwith other co-accused persons, where the injury report categorically suggest that the gunshot was made on the abdomen of the informant causing penetrative wound damaging other internal vital parts of the body, accordingly, the prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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