

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44460 of 2025**

Arising Out of PS. Case No.-434 Year-2024 Thana- BIHARIGANJ District- Madhepura

Shivam Kumar @ Shibam Kumar S/o- Avinandan Mahto Village-Gangaura
Ward No- 01 P.S- Bihariganj District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 05-02-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner is apprehending arrest in Bihariganj
P.S. case No. 434 of 2024 registered under Section 103(1), 3(5)
of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms
Act.

3. The prosecution allegation, in short, is that the
father of the informant was shot dead by the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no criminal antecedent.
The petitioner is not named in the F.I.R. The name of the
petitioner has transpired on the basis of confessional of co-



accused Sulendra Mahto. On the alleged date of occurrence, the petitioner was in judicial custody in connection with Gwalpara P.s. Non FIR No. 109 of 2024. General and omnibus allegation has been made against the petitioner. During investigation, nothing has come against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that in the case diary, it has come that petitioner's role was conspirator of the offence. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances as also the nature and gravity of allegation, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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