

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52999 of 2025

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

1. Lukman Alam S/o Budhu Mian R/o Vill- Gururu, P.S.- Gurua, Distt- Gaya
2. Shamsheer Alam @ Md Shamsheer Alam S/o Salahu Mian @ Mohammad Shalahuddin Miyan R/o Vill- Gururu, P.S.- Gurua, Distt- Gaya
3. Raushan Alam S/o Mumtaz Alam R/o Vill- Gururu, P.S.- Gurua, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP

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

ORAL ORDER

5 05-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Gurua P.S. Case No. 203 of 2025, instituted for the offences punishable under Sections 191(2), 191(3), 127(1), 115(2), 117(2), 109, 132, 299 of the Bharatiya Nyaya Sanhita, 2023 and later on Section 103(2) of the Bharatiya Nyaya Sanhita, 2023 was added.

3. The prosecution case, in short, is that the police received information about the fight breaking out between two communities. Police reached the spot and found some persons



involved in the clash who received injuries. On further investigation, the police came to know about the petitioners and a number of other co-accused persons, who were creating a religious frenzy and indulged in attacking each other and causing injuries to a number of persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. No occurrence as alleged has ever taken place. The petitioners have not caused any injury to any person. It is apparent from the FIR that exchange of abuse took place and both sides sustained injuries. It is further submitted that there is no specific allegation levelled against the petitioners rather the same is general and omnibus in nature. Petitioner No. 2 bears no criminal antecedent, petitioner No.1 bears one criminal antecedent, whereas petitioner No.3 bears two criminal antecedents. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 20.08.2025 passed in Cr. Misc. No. 55916 of 2025.

5. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner. Petitioners are FIR named accused person and they have pelted stones and bricks chips on the wedding party due to which Nanhku Yadav received injury, and later on, he succumbed to injury.

6. Considering the rival submissions made by the learned counsel for the parties and taking into account the fact that petitioners are named in the FIR, this Court is not inclined to enlarge them on anticipatory bail. Prayer for anticipatory bail is hereby *rejected*.

7. However, if the petitioners surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

