

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71284 of 2025

Arising Out of PS. Case No.-483 Year-2025 Thana- SITAMARHI District- Sitamarhi

Gautam Kumar @ Gautam Kumar Gupta S/O Late Sunil Kumar Gupta
Resident of Ram Padarath Nagar Chak Mahila ward no 16, P.S.- Sitamarhi,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Fazle Karim, Adv.
For the State	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Savitesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-02-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State as well as the learned
Advocate for the informant.

2. The petitioner apprehends his arrest in connection
with Sitamarhi P.S. Case No. 483 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 118(1), 74,
351(2) and 3(5) of the BNS.

3. Allegedly, on the evening of the fateful day, a
dispute arose over throwing of garbage in front of the
informant's house. When the informant tried to inquire about the
matter, co-accused Madhukar Kumar allegedly came there and
threw garbage in front of the informant's house. When the same
was protested, it is alleged that the petitioner along with his



younger brother started abusing and assaulting. There is specific accusation against the petitioner of causing iron rod and spade blow over the head and eye of the informant resulting into serious injury. There is further allegation against all the accused persons of causing assault to the informant and others.

4. Learned Advocate for the petitioner referring to the FIR contended that the genesis of the occurrence is a trifle, however on account of said reason, both the parties entered into a free fight resulting into some unfortunate injuries to the persons of both the sides. There is an FIR instituted by the wife of the petitioner against the informant and others bearing Sitamarhi P.S. case No. 482 of 2025, which is admittedly on earlier point of time. So far the allegation of causing assault over the head is concerned, the same does not corroborate with the injury report. However, there is no dispute that the informant has sustained injury over his nose and the report shows swelling in frontal region and fracture in nasal bone, which is found to be grievous in nature but certainly same was not intentional, rather accidental. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he would not indulge in such activity in future.

5. On the other hand, learned Advocates for the State



and the informant vehemently opposed the bail application and submitted that the specific accusation of causing assault by means of spade and iron rod gets corroborated with the injury report, which clearly suggests grievous injury over the vital part of the informant and, as such, in any view of the matter, the petitioner does not deserve the privilege of anticipatory bail.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the genesis of occurrence, coupled with the factum of case and counter case, besides the fair antecedent of the petitioner as also the injury report, where there is no mark of injury over the head, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 483 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:

(i) that one of the bailors shall be the own/close



family members of the petitioner,

(ii) that the petitioner would not indulge in intimidating the witnesses/informant or tampering with the evidence, and

(iii) that in case, the petitioner shall be found indulge in intimidating the informant/witnesses or tampering with the evidence, the informant shall be at liberty to file an application for cancellation of the bail of the petitioner.

(Harish Kumar, J)

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