

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89624 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Gautam Kumar @ Gautam Singh S/o Bhim Singh R/o Mohalla- Sikandarpur
Pani Tanki Navwa Toli, P.S- Mojahidpur, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.M. Ashraf, Sr. Advocates Mr. Shehan Ashraf, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. S.M. Ashraf, learned Senior counsel for

the petitioner and Mr. Aditya Narayan Singh.1, learned APP for

the State.

2. The petitioner is apprehending his arrest in
connection with Kotwali P.S. Case No. 96 of 2025, F.I.R. dated
18.08.2025 registered for the offences punishable under
Sections 126(2), 127(2), 115(2), 118(1), 109, 303(2), 324(2),
352, 351(2), 329(3) of the B.N.S.

3. Allegation against the petitioner is that he along
with other co-accused persons have assaulted the informant and
his nephew with lathi-danda, rod, knife, fat and fists due to
which they sustained injuries.

4. Learned Senior counsel for the petitioner submits



that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 16.08.2025 but the present F.I.R. was instituted on 18.08.2025 after delay of two days without giving any explanation of delay and apart from that there is case and counter case between the parties. Although the petitioner is named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner in the F.I.R. Although some persons have received injuries but the injury report upon the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts that there is no specific allegation in the F.I.R. against the petitioner and the injury inflicted upon the injured persons are simple in nature and there is case and counter case between the parties as well as



F.I.R. was instituted after delay of two days, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 96 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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