

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2823 of 2026

Arising Out of PS. Case No.-957 Year-2023 Thana- GAYA MUFASIL District- Gaya

Raushan Kumar, Male, aged about 19 years, son of Shivshankar Kumar @ Shiv Shankar Kumar @ shivshankar Yadav Resident of Village- Manjhauli, Post -Makhdumpur, PS- Tankuppa, District -Gaya Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard Mr. Madhu Prasun, learned counsel

appearing on behalf of the petitioner and Mr. Md. Aslam Ansari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mufassil P.S. Case No. 957 / 2023 registered for the offence(s) punishable under Sections 341/323/379/354/307/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, which was lodged on 07.09.2023, the petitioner along with other co-accused had allegedly fired upon the informant with an intention to kill. When the mother of the informant came to his rescue, then the accused persons misbehaved with her and also snatched the gold chain and earring from her.

4. Learned counsel appearing on behalf of the petitioner submitted that at the time the FIR was lodged in 2023,



the petitioner was a minor. As such, there was no occasion for the petitioner to be apprehended, and consequently, he did not avail appropriate remedy. Learned counsel further submitted that the petitioner is neighbour of the informant and due to admitted enmity between them, the petitioner has been roped in the present FIR on the basis of false accusation. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that, although the specific allegation of firing upon the informant is attributed to co-accused Rahul Kumar, the petitioner had also participated in the alleged offence by assaulting the informant by butt of the pistol and, as such, the petitioner don't deserve to be released on pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, presently, the petitioner is 19 years old as would appear from the cause title of the present bail application and as such he was minor when the FIR was lodged in the year 2023. Allegation against the petitioner is that he had assaulted by means of butt of pistol to the informant, however, as per the



opinion of the doctor, the injury sustained by the informant is simple in nature and same is not on the vital part of the body. I am of the opinion that the petitioner, who is having clean antecedent, has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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, Gaya / Concerned Court in connection with Mufassil P.S. Case No. 957 / 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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