IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55311 of 2026

Arising Out of PS. Case No.-258 Year-2026 Thana- ARA NAGAR District- Bhojpur

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Saroj Kumar Singh @ Saroj Singh S/O Late Dudhnath Singh @ Late Durganath Singh Resident of Village- Teri Khet (Choudhiriyana), P.S- Ara Nagar, Distt.- Bhojpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Amish Kumar No I, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-08-2026 1. Heard learned counsel for the petitioner, Mr. Rabindra Kumar and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 103(1), 351(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case which was instituted subsequent to the filing of the instant FIR as would manifest from the supplementary affidavit and inadvertently at Para -3 of the anticipatory bail application, it is pleaded that petitioner is a person with clean antecedent and the informant alleges that on 01.04.2026 at 09:20 PM he was at home when he received an

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information on his mobile that Shivam, Saroj and Satyam along with unknown accused persons at a tea shop in front of the clinic of Dr. Mukul are abusing his brother Afroz, accordingly the informant reached near the place of occurrence, that is, the tea shop and saw Saroj giving orders to his son (Shivam) to kill and Shivam fired causing firearm injury to afroz on left side of chest, hence his brother started fleeing, when Satyam fired causing injury on his left arm and accused persons, thereafter fled threatening and injured was admitted in a hospital and he died the during the course of treatment.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being father of Shivam, it is next submitted that from perusal of the allegation as alleged in the FIR, it wold manifest that specific allegation of causing firing firearm injury to Afroz is against Shivam and Satyam leading to his death, it is further submitted that no overt act of firing is alleged against the petitioner, it is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place on 01.04.2026 at about 09:20 PM and the FIR has been instituted on 02.04.2026 at 04:00 AM i.e. after a delay of more than 5-6 hours, it is further submitted that from perusal of the

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postmortem report, it would manifest that postmortem of the deceased was carried out at 11:50 PM on 01.04.2026 and thereafter, the FIR came to be instituted, as such, the injuries found on the body of the deceased are getting corroborated which also casts an aspersion on the case of the prosecution that as to whether the occurrence took place in the manner as alleged in the FIR, it is further submitted that the FIR does not disclose any motive for the occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that what is not in dispute rather stands admitted is that own brother of the informant died on account of firearm injury suffered, it is also submitted that when an occurrence of the nature as alleged takes place, the first instinct of any close person including relative is to ensure that the injured is treated and informant being brother may not be in a frame of mind to institute an FIR promptly, it is also submitted that it is not in dispute that brother of the informant died, it is fairly submitted that informant is not alleged to have fired, but then has been implicated in the instant case as an order giver, it is further submitted that informant is an eyewitness to the occurrence and it does not appear probable that he would implicate someone who was not associated with

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the occurrence of killing of his own brother, it is next submitted that presence of all accused at the place of occurrence emboldened Shivam and Satyam to commit the occurrence leading to the death of the brother of the informant, it is further submitted that investigation is continuing and if petitioner is innocent, the police will submit final form exonerating him of the allegation, but then his interrogation is required.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Thus, this application stands rejected.

(Satyavrat Verma, J)

Nitesh/-

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