

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 2361 OF 2025**  
**(ARISING FROM SLP (CRL.) NO. 15587 OF 2024)**

**RAJEEV KISHOR GAUTAM**

**...APPELLANT(S)**

**VERSUS**

**THE STATE OF BIHAR & ORS.**

**...RESPONDENT(S)**

**ORDER**

1. Leave granted.
2. The present appeal arises out of the order dated 24.04.2024 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 24649 of 2024, whereby the High Court granted anticipatory bail to three accused persons in connection with offences under Sections 341, 323, 307, 379, 302, and 34 of the Indian Penal Code, 1860<sup>1</sup>. The appellant before us is the original complainant.

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<sup>1</sup> In short, “IPC”

3. The facts giving rise to the present appeal are as follows. The appellant is the son of the deceased. On 28.12.2023, the deceased was assaulted with an iron rod and lathis during a dispute between neighbours. As a result of the head injury sustained, the appellant's father succumbed to his injuries the same day. FIR No. 512306231227 of 2023 was registered on the basis of the appellant's statement, naming seven accused persons.
4. According to the statement of the appellant, one of the accused first struck a blow on the head of the deceased with an iron rod, causing him to fall unconscious. Thereafter, the other accused persons assaulted him with lathis and also attacked those who attempted to intervene. The appellant and his uncle suffered serious injuries, while the appellant's father later died in hospital.
5. The Trial Court, vide order dated 27.02.2024, rejected the anticipatory bail applications filed by four accused persons - Sanjay Singh, Deepak Kumar, Ranjan Kumar Singh, and Karan Kishor Gautam, on the ground that they had actively participated in the assault which led to the death of the appellant's father. The cause of death was stated to be haemorrhage and shock due to head

injury. It was further noted that the accused persons had criminal antecedents in four other cases.

6. However, the High Court, by the impugned order, granted anticipatory bail to three of the accused persons. The petition filed by accused Deepak Kumar was dismissed as withdrawn. Aggrieved by this, the appellant has approached this Court seeking cancellation of the said bail.
7. We have heard learned counsel for the parties and perused the material available on record.
8. The appellant contends that the High Court erred in granting anticipatory bail without considering the gravity of the offences and the material on record, including his statement as an eyewitness. It is submitted that the impugned order suffers from a clear non-application of mind.
9. On the other hand, the respondents submit that they had no direct role in the incident and that they were not the individuals responsible for the fatal blow. Their alleged involvement, it is contended, is vague and general in nature.
10. From a perusal of the FIR and the postmortem report, it is evident that the deceased died due to a head injury followed by a group assault. We find that the High Court

erred in holding that the allegations against the accused were general or omnibus in nature.

11. The order of the High Court does not disclose any reasoning for granting anticipatory bail in a matter involving serious offences under Sections 302 and 307 IPC. The impugned order is cryptic and lacking in judicial analysis. In cases involving serious offences, the grant of anticipatory bail in such a mechanical manner cannot be sustained and is liable to be set aside.
12. A plain reading of the FIR and accompanying material reveals that the appellant's father was brutally assaulted and killed in the presence of the appellant, who is also the informant. The incident appears to have stemmed from a dispute regarding obstruction of a pathway. The specific roles attributed to the accused, as stated in the FIR, indicate that they participated in the assault even after the deceased had collapsed. The High Court has clearly failed to appreciate the gravity and nature of these allegations.
13. In view of the above facts and circumstances, the appeal is allowed. The impugned order of the High Court is set aside. The respondents are directed to surrender within eight weeks and shall be at liberty to apply for regular

bail before the Trial Court, which shall consider the same on its own merits and in accordance with law.

14. Pending application(s), if any, shall stand disposed of.

..... **.J.**  
**[VIKRAM NATH]**

..... **.J.**  
**[SANJAY KAROL]**

..... **.J.**  
**[SANDEEP MEHTA]**

**NEW DELHI;**  
**MAY 1, 2025.**