

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9384 of 2025

Arising Out of PS. Case No.-497 Year-2024 Thana- DIGHA District- Patna

Banti Yadav @ Achint Kumar Gautam @ Banti Kumar S/o- Late Niranjana Prasad Vidyarthi R/O - Digha Post office Road, P.S.- Digha, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Jiban Pd Singh
For the State	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 23-07-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Digha Police Station Case No. 497 of 2024, dated 02.08.2024, disclosing offences under Sections 126/115(2)/109/352/3(5) of the Bhartiya Nyaya Sanhita and Sections 24(1-B)(a)/26/27/35 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 02.08.2024, at about 02:00AM in the night, the petitioner, including his other family members, total 07 in numbers, arrived at the house of the informant, abused and assaulted the informant and other family members.



When the informant and others went inside the house, the petitioner, in the meanwhile, brought fire-arms from the vehicle and fired upon the informant and other family members. It has further been alleged that the police, after having been informed on 112, reached at the place of occurrence and recovered two live cartridges, one shell of bullet and one fired bullet.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to land dispute and on the basis of false and concocted story. He next submits that allegation of firing against the petitioner is fabricated, as no one sustained any firearm injury and the informant along with others were already inside the house at the time of the alleged incident. He further submits that a counter-case, bearing Digha Police Station Case No. 507 of 2024, has also been lodged by the mother of petitioner against the informant and others for the occurrence which took place prior to the date and time of the present First Information Report.
5. Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation of firing against the petitioner, which would be evident from the



seizure list. Referring to the case diary, he next submits that the witnesses, in paragraph 7 and 8, have supported the prosecution story.

6. I have heard learned counsel for the parties and have gone through the materials available on records, including the impugned order as well as case diary.
7. From perusal of the impugned order, it appears that learned Additional District Judge I, Patna, has observed that there is specific allegation against the petitioner of firing upon the informant, the informant, in his re-statement in para-5 of the case diary and witnesses, in para-7 and 8 of the case diary, have supported the prosecution story, one live cartridge, two bullet shell and one bullet has been recovered from the place of occurrence as would be evident from seizure list and there is no justification regarding counter-case lodged by the side of the petitioner.
8. Considering the aforesaid and nature of allegation, I do not find any reason to differ with the findings arrived at by learned District and Additional Sessions Judge I, Patna, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.



9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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