

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8498 of 2025

Arising Out of PS. Case No.-533 Year-2024 Thana- MOKAMAH District- Patna

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Ajay Singh S/O Late Sagar Singh @ Ram Sagar Singh R/V- Shankarwar Tola,
Maliaghat, PS- Mokama, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Ms.Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-04-2025 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing for the

informant.

2. The petitioner apprehends his arrest in connection
with Mokama P.S. Case No.533 of 2024 registered for the
offences punishable under Sections 103(1) read with Section
3(5) of the B.N.S.S. (corresponding to Sections 302 read with
34 of the Indian Penal Code) and Section 27 of the Arms Act.

3. The allegation made in the FIR is that on account of
a land dispute, the petitioner, who happens to be the brother-in-
law of the informant, along with his son Kunal Kumar were
pressurizing the informant for registering the land in their name.
It has been further alleged that on 29.11.2024 at around 7.35 PM



when the informant's uncle was coming back home along with her husband, her husband had stated to her uncle that the petitioner Ajay Singh and his son Kunal were sitting. While the uncle of the informant had stopped on way, he heard the sound of firing and when he turned back, he saw the deceased fallen on the ground and also saw the son of the present petitioner Kunal firing a shot on the deceased, whereafter the petitioner along with his son had fled away from the place of occurrence.

4. Learned Senior Counsel for the petitioner submits that the allegations made in the FIR are not correct and as a matter of fact, he has been implicated in this case on account of the land dispute which has been admitted in the FIR. It has further been submitted that the informant is not an eye witness to the alleged occurrence and the contents of the FIR are based on the hearsay evidence provided by her uncle. It has further been submitted that even considering the disclosure made by the uncle of the informant, the allegation of firing shot remains confined to the son of the petitioner and no specific overt act has been attributed to this petitioner.

5. Learned Senior Counsel for the petitioner also draws the attention of this Court towards a supplementary affidavit filed on his behalf whereby he has brought on record a



letter written by the petitioner to the S.P. (Rural), Barh and the Dy. S.P., Barh to investigate the case on the point that the petitioner was not at all present at the spot at the relevant time and rather he was present at his farm house. The CCTV camera installed at the farm would confirm the same and the said pen-drive containing the footage of the CCTV along with the letter has been sent to the police authorities for investigation.

6. The application is opposed by the learned APP for the State and the learned counsel for the informant. Learned counsel appearing for the informant draws the attention of this Court to the counter affidavit filed on behalf of the informant stating therein that on account of execution of a sale deed in favour of the son of the petitioner the occurrence is said to have taken place. It has also been submitted on behalf of the informant that the occurrence has taken place at a public place in presence of large number of people. An Informatory Petition No.738 of 2024 had been filed by the deceased earlier in this case on 04.09.2024 against this petitioner and his son Kunal that they were threatening him.

7. Taking into consideration the rival contentions of the parties, it remains an admitted fact that the occurrence has been alleged to have taken place on account of a land dispute



and the implication of the petitioner is also said to be on account of a dispute arising out of land in the family itself. As against the submission of the learned counsel for the informant that the occurrence had taken place at a public place in presence of a large number of people, during course of investigation, no other witness has come in support of the fact that the petitioner was responsible for the said offence except the uncle of the informant on the information of whom the present case has been lodged by the informant.

8. Thus, taking into consideration the fact that there is no specific overt act alleged against the petitioner and as a matter of fact the only eye witness to the occurrence is the uncle of the informant who has confined the allegation of opening the shot on the son of the petitioner and not on this petitioner and also considering the fact that even the CCTV footage of the place where firing took place does not reveal anything substantial, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner above named be released on bail, in the event of his arrest or surrender before the learned Court below 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 Additional District and Sessions Judge-IV, Barh in connection



with Mokama P.S. Case No.533 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial and if the informant comes out with any substantial case of threatening etc. given to the informant by the petitioner, the informant/opposite party no.2 would be at liberty to approach the court for cancellation of the bail.

(Soni Shrivastava, J)

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