

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18383 of 2025

Arising Out of PS. Case No.-822 Year-2024 Thana- NAUBATPUR District- Patna

1. Umesh Prasad, S/o Late Indradev Prasad, Resident of Regania Bag, Dhobiakalapur, P.S.- Naubatpur, Distt.- Patna.
2. Paramhans Prasad, S/o Late Indradev Prasad, Resident of Regania Bag, Dhobiakalapur, P.S.- Naubatpur, Distt.- Patna.
3. Ramesh Prasad, S/o Late Indradev Prasad, Resident of Regania Bag, Dhobiakalapur, P.S.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Naubatpur P.S. Case No.822 of 2024 registered under Sections 126(2), 115(2), 109, 329(4), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.) as well as Sections 25(1-B) (a), 26, 35 and 27 of the Arms Act.

3. The allegation against the petitioners is to open fire upon informant and others. It is alleged that occurrence



took place out of land dispute.

4. It is submitted by learned counsel appearing for the petitioners that both parties are co-villagers and next door neighbours. It is pointed out that to grab the land of petitioners, the informant made efforts on several previous occasions and finally measurement was finalized but, on 23.12.2024, the informant and his associates with deadly weapons attacked on the house of petitioners whereafter the petitioners called police dialing helpline no.-112. Whereafter, the police arrived at the place of occurrence and pacified the parties. It is pointed out that after departure of police, the informant implicated petitioners falsely with present allegation as raised through FIR. It is submitted that admittedly no injuries appears to be caused to anyone and moreover the seizure list not appears to be supported by independent witnesses despite of availability. It is also pointed out that allegation to open fire is appearing very much general and omnibus against petitioners and moreover the FIR suggest that firing was made targeting the house of the informant and not upon any persons, which also negate prime



consideration of intention *qua* intention to cause death as to attract the offence under Section 109 of the B.N.S. While concluding argument, it is submitted that petitioner nos. 1 and 2 are said to be men of clean antecedent, whereas petitioner no.3 found involved in one more criminal case of petty nature, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned facts and circumstances and by taking note of fact as the allegation of firing appears to be made upon the house of the informant as per FIR, where admittedly no injury alleged to be caused by firearms during the occurrence, which alleged to be founded upon land dispute, where both parties are next door neighbours, accordingly, all three above-named, petitioners in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Danapur in connection with Naubatpur P.S. Case No.822 of 2024,



subject to the conditions as laid down under Section 438(2) of
the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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