

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21839 of 2025

Arising Out of PS. Case No.-383 Year-2024 Thana- NASRIGANJ District- Rohtas

Ashok Pandey, S/O Jagmohan Pandey, Resident of Village- Dhobdihan, P.S- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Informant	:	Mr. Harsh Vardhan, Adv.
For the State	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioner, Mr. Harsh Vardhan, learned counsel for the
informant and Mr. Satyendra Narayan Singh, learned APP for
the State.

2. The petitioner seeks regular bail in connection with
Nasriganj P.S. Case No. 383 of 2024 dated 10.11.2024
registered for the offence(s) punishable under Sections 109,
126(2), 115(2), 103(1) and 3(5) of the B.N.S. and Section 27 of
the Arms Act.

3. The main submissions advanced by the
petitioner's counsel are that the petitioner has fair and clean
antecedent, has been languishing in jail since 11.11.2024 and



the FIR itself shows that there was a dispute in between both the parties relating to drainage of waste water from the washroom in the lane and as per the allegation, on the fateful day, the same dispute arose and the petitioner is alleged to have assaulted the deceased with *lathi* and *danda* and there is no serious allegation against him and he is not alleged to have opened fire at the deceased. It is further submitted that the co-accused Guddu Pandey is alleged to have caused firearm injury to the chest of the deceased and the deceased's postmortem report's copy has been filed as Annexure-3 which does not substantiate the allegation of assault by using *lathi* and *danda* by this petitioner to the deceased in view of the external examination over the dead body. It is further submitted that the alleged occurrence is not said to have been committed in a planned manner and if the prosecution story is believed even then the same can be deemed to have happened in the spur of the moment due to a dispute having arisen owing to draining out the waste water in the lane. It is lastly submitted that against the petitioner the investigation has been completed.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that there is serious allegation against this



petitioner and in addition to firearm injury to the chest of the deceased, some more injuries were also found and in this regard, inquest report of the deceased is relevant.

5. In the facts and circumstances of this case and considering the aforesaid submissions and mainly the nature of allegation appearing against this petitioner and also his custody period and completion of investigation and coupled with his fair and clean antecedent and also taking into account the genesis of the occurrence, this court is inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Nasriganj P.S. Case No. 383 of 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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