

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26009 of 2025

Arising Out of PS. Case No.-316 Year-2024 Thana- PARBATT District- Khagaria

Manoj Jha S/O Harishchandra Jha R/O Mohalla- Balha, Vill.- Kabela, P.S.-
Parbatt, (Maraiya), Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amritesh Kumar, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Parbatta P.S. Case No. 316 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109, 303(2), 331(4), 352, 351(2), 351(3), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, the accused persons including the petitioner entered into the house of the Informant and fired upon the Informant's brother Gaurav Kumar due to which he fell down whereupon he was badly injured and hit on the head with a three-nut and *farsa*, rendering him unconscious. It is also alleged they also looted the house. It is alleged that the



petitioner fired upon the brother of the Informant namely Gaurav Kumar with *Pithua* rifle with an intention to kill him which passed through adjacent to the head of Gaurav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused persons have already been granted regular bail by this Court vide order dated 20.02.2025 passed in Cr. Misc. No. 83378 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the offence alleged is serious in nature. He further submits that there is specific and direct allegation of firing against the petitioner upon the



Informant's brother. The petitioner has also one criminal antecedent.

7. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case as also taking into account the gravity and nature of offence as also there being direct allegation of firing against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

9. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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