

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24646 of 2025**

Arising Out of PS. Case No.-232 Year-2024 Thana- MAHESHKHUNT District- Khagaria

1. Rakesh Kumar @ Rocky Son of Girdhari Sah Resident of village - Salimnagar, P.S.- Maheshkhunt, District - Khagaria (Bihar).
2. Sachin Kumar Son of Mogal Sah Resident of village - Salimnagar, P.S.- Maheshkhunt, District - Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      02-05-2025                      Heard Mr. Rahul Kumar, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State. The informant appeared through Mr. Nishant Kumar Sinha, learned Advocate.

2. The petitioners apprehend their arrest in connection with Mahesh Khunt P.S. Case No. 232 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 3(5) of BNS and 25(1-B)a, 26, 27, 35, 27(B) & 27(1) of the Arms Act.

3. Based upon the written report, the prosecution alleges that on 24.12.2024 while the informant was returning to his house after taking dinner, in the meanwhile, both the



petitioners surrounded him and fired upon him, however, he anyhow managed to escape. It is further alleged that in order to save his live, he also gave a teeth bite to the accused and thereupon they fled away by throwing pistol and cartridge, which was produced before the police.

4. Learned Advocate for the petitioners referring to the FIR contended that both the parties are none else but the own *gotiyas* and there is a land dispute which resulted into lodging of the FIR. Moreover, it is the admitted position that none has sustained any injury, rather it is the informant who gave teeth bite to the petitioners. Handing over the pistol and cartridge before the police also smacks malafide and does not inspire confidence. It is next contended that so far the petitioner no. 1 is concerned, he bears one criminal antecedent, where petitioner no. 2 has absolutely fair antecedent.

5. On the other hand, learned Advocates for the State and the informant vehemently oppose the bail application and submit that the informant was unfortunate enough that he did not sustain any bullet injury, however fired bullet and the pistol used by the petitioners were handed over to the police.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship between



the parties and the fact that none has sustained any injury, coupled with the mandate of the prescription under Section 37(b) of the Arms Act, 1959, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Khagaria in connection with Mahesh Khunt P.S. Case No. 232 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

Anjani/-

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