

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35493 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- BHABHUA District- Kaimur (Bhabua)

1. Vishwa Prakash Singh @ Vishwa Prakash S/O Dilip Singh Resident of Village- Tarhani, Police Station- Sonhan, District- Kaimur.
2. Anant Prakash Singh S/O Dilip Singh Resident of Village- Tarhani, Police Station- Sonhan, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Raghunandan Kumar Singh, Adv.
For the Informant		Mr. Ansul, Sr. Adv.
For the State	:	Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 29-08-2025 Heard Mr. Ajay Kr. Thakur, learned counsel for the petitioners, learned Additional Public Prosecutor for the State and Mr. Ansul, learned senior counsel for the informant.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 103(1), 352, 351(2), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. The First Information Report discloses a story that when the husband of the informant was engaged in the work of filling earth/soil in the house, they were objected by the brother-in-law of the informant Dilip Singh and his two sons namely Vishwa Prakash Singh and Anant Prakash Singh (petitioners) and his wife Mina Devi. The verbal altercation escalated and converted into a physical altercation and it is alleged that while Vishwa Prakash Singh extorted to bring the gun, co-accused Dilip Singh fired due to which the informant's husband died on the spot while the



informant's son received gun shot injury at his back.

4. Learned counsel for the petitioners submits that from a bare perusal of the First Information Report it would be clear that the specific allegation of firing upon the deceased is on co-accused Dilip Singh and the FIR does not disclose any allegation upon these petitioners of resorting to fire. It has further been submitted that there is case and counter case between the parties and as a matter of fact, it was a free fight between the parties and the counter case has been brought on record by way of Annexure-P/2 and the entire family of the petitioners are behind bars. The petitioners are in custody since 10.02.2025 and the charge-sheet has been submitted. It has further been submitted that even during the course of investigation in paragraph-3, 4 and 8, there is no allegation of firing upon the petitioners but subsequently the statement of the injured Jai Prakash Singh as recorded in paragraph-34 of the case diary shows that there is allegation on these petitioners of having fired.

5. Mr. Ansul, learned senior counsel for the informant also invites the attention of this Court to paragraph-34 of the case diary to strongly contend that it was the petitioner no. 1 who had fired on the injured and the statement of the injured himself would indicate the same. It has also been submitted that due to the said firing, the injured received a number of pellet injuries and the



injury report would also indicate that the injury nos. 1 and 2 are grievous in nature.

6. Taking into consideration the rival contentions of the parties, it is apparent that there is no specific allegation upon the petitioner no. 2. In such view of the matter, let the above named petitioner no. 2, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhabhua P.S. Case No. 95 of 2025.

7. So far as the case of the petitioner no. 1 is concerned, since the injured himself has given specific statement of firing upon him by this petitioner resulting in grievous injuries, I am not inclined to enlarge the petitioner no. 1 on bail. Accordingly, his prayer for bail is rejected at this stage.

8. However, the petitioner no. 1 is given a liberty to renew his prayer for bail after framing of charge.

(Soni Shrivastava, J)

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