IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35612 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- Chitragupta Nagar District- Patna

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Vivek Mishra S/o Sachidanand Mishra Resident of Mohalla - Bahadurpur, P.S.- Agamkuan, Distt- Patna

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Munna Prasad Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 10-12-2025 Heard learned counsel for the petitioner as well as learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chitragupta Nagar P.S. Case No. 14 of 2024, registered for the offences punishable under Sections 109(2), 3(5), 61(2) of BNS and 27 of Arms Act.

3. The present case is based on the *fard beyan* of the informant recorded on 16.09.2024 while he was under treatment at Medanta Hospital. He stated that four days earlier, Ujjawal, Gaurav, Anshuman and driver Vivek Mishra (the petitioner) had contacted him for a meeting. Later on, dispute arose regarding his gold and ₹8 lakhs, allegedly kept by Gaurav. Thereafter, an unknown masked person entered into his office, locked the gate

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from outside with another accomplice, and fired at him, which hit his chest. The informant alleged that the attack was carried out at the instigation of Ujjawal, Gaurav, Anshuman and Vivek Mishra (the petitioner).

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He is not involved in transaction of the money or gold as alleged in the FIR. Neither he is the person who is said to have fired at the informant. He has submitted further that during course of investigation, the scooty by which the miscreants came to the office of the informant, was traced and it was found that one Tuntun was driving that scooty. On disclosure of Tuntun, co-accused Krishnakant Choudhary @ Deepak Kumar was arrested and he gave vivid description of the entire occurrence in his confessional statement. From his confessional statement, it came to the light that the informant himself hatched the conspiracy of arraying co-accused persons in the present case and on his conspiracy, Krishnakant fired at him. The petitioner is driver of the informant and he has no concern with the occurrence. He is a person of clean antecedent. He has also submitted that when it was detected during course of investigation that the informant had hatched the conspiracy, he

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himself was made an accused in this case.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, especially the clean antecedent, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Chitragupta Nagar P.S. Case No. 14 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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