

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34320 of 2025

Arising Out of PS. Case No.-833 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Dasarath Sah S/o Late Ramdeo Sah R/o Village- Patahi Hari, P.S.- Sadar,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Muzaffarpur Sadar P.S. Case No.833 of 2024, lodged on 06.12.2024, under Sections 103(1)/109/3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. It has been alleged in the FIR that all accused persons came at the



door of the informant and started abusing. Subsequently, on the instruction of co-accused Hemlata, two accused persons had made indiscriminate firing, due to which one person had sustained injury. Subsequent allegation against the present petitioner is that he had also instructed to made firing, due to which further firing had been made and by the said firing two persons died on spot.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the allegation of firing of gun shot is not against the present petitioner. He further submits that it is co-accused Hemlata, who had instructed to make firing first, thereafter firing had been made by co-accused other than the petitioner. Counsel further submits that petitioner is in custody since 17.02.2025 having no criminal antecedent. Counsel further submits that he himself surrendered before the Trial Court. Counsel further submits that petitioner is ill and suffering from various ailment. Counsel further submits that he is aged about 55 years and charge sheet has already been filed and no purpose shall be solved keeping him in custody.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the offence of 103(1) read



with Section 3(5) of the B.N.S. Act has been made out. He further submits that on the firing taken place twice. Firstly on the instruction of co-accused Hemlata and secondly on the instruction of the present petitioner, due to which two persons died on spot. The reason for firing has also been mentioned in the FIR that the informant used to oppose the selling of smacks, ganja and illegal wine due to which this occurrence has caused.

6. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected. However, liberty is granted to the petitioner that he may renew his prayer for bail after framing of the charge.

(Dr. Anshuman, J)

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