

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43798 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- MALI District- Aurangabad

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1. Shyam Narayan Bari S/o Jagarnath Bari Resident of Village- Dhibra Par Tola Itwa, P.S- Mali, Distrcit- Aurangabad
 2. Prakash Kumar Bari @ Prakash Bari @ Jai Prakash Bari @ Jai Prakash Kumar @ Jai Prakash Kumar Bari S/o Shyam Narayan Bari Resident of Village- Dhibra Par Tola Itwa, P.S- Mali, Distrcit- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Mali P.S. Case No. 39 of 2025, dated 11.02.2025, lodged under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 329(3), 109, 303(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 12 named accused persons, including the present petitioners, alleging that all the accused persons threatened not to open the PACS Godown and, when opposed, abused and assaulted the informant. The specific allegation against petitioner No. 2 is that he made firing.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. He further submits that the criminal antecedents of the petitioners are clean. Counsel also submits that for the same date and place of occurrence, a case and counter-case have been lodged between the parties. The petitioners' side has filed Mali P.S. Case No. 38 of 2025, while the informant's side has lodged Mali P.S. Case No. 39 of 2025. Counsel further submits that the specific allegation is against the accused, namely Krishna Singh, due to whom the injury is alleged to have been caused. Counsel also submits that petitioner No. 1 is an elderly person, aged about 62 years, and that no one was injured by the firing made by petitioner No. 2.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the FIR, it transpires that the specific allegation is against petitioner No. 2. However, counsel fairly submits that it is true there is a case and counter-case between the parties.

6. As such, in the present facts and circumstances of the case and considering the age of the petitioner No. 1, let petitioner No. 1, namely, Shyam Narayan Bari be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing



bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Aurangabad, in connection with Mali P.S. Case No. 39 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the petitioner No. 2, namely, Prakash Kumar Bari @ Prakash Bari @ Jai Prakash Bari @ Jai Prakash Kumar @ Jai Prakash Kumar Bari, is concerned, this Court is not inclined to grant bail to him, accordingly, his bail application is hereby rejected.

8. It is directed to the petitioner No. 2 to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioner No. 2 surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner No. 2 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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