

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44103 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Umesh Kumar Singh @ Umesh Kumar Yadav, aged about 33 years, Male
2. Ashok Singh @ Ashok Kumar Yadav, aged about 37 years, Male
Both are S/O Brij Bihari Yadav, Resident of Village- Ijri Budhan, P.S- Buxar
Muffasil, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Ms. Archna Singh, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the informant	:	Mr. Kanhaiya Jee Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-04-2025 Heard Mr. Krishna Pd. Singh, learned Senior Counsel

along with Ms. Archna Singh, learned counsel appearing on
behalf of the petitioners; Ms. Madhuri Lata, learned APP for the
State and Mr. Kanhaiya Jee Tiwari, learned counsel for the
informant.

2. The petitioners seek pre-arrest bail in connection
with Buxar Mufasil P.S. Case No. 97 of 2024 registered for the
offence(s) punishable under Sections 120(B) and 307 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the informant
sustained bullet injury in his back and on suspicion he has
alleged that petitioners are responsible for the said act and



commission of offence due to enmity on the ground that there is a chance that the informant was involved in the murder of younger brother of the petitioners.

4. Mr. Krishna Pd. Singh, learned Senior Counsel along with Ms. Archana Singh, learned counsel appearing on behalf of the petitioners submitted that from the very perusal of the FIR, it is evident that no case is made out against the petitioners. The informant is the eye witness, who had sustained bullet injury in his back. The injury is grievous as has been opined by the doctor, however, on mere suspicion, the petitioners cannot be held responsible for alleged commission of offence. The incidence has occurred while the informant was conscious as he had seen that two unknown persons on motorcycle after shooting him had fled away. The allegation has been levelled against the petitioners due to enmity. Petitioners have clean antecedents.

5. Mr. Kanhaiya Jee Tiwari, learned counsel, has tendered his appearance on behalf of the informant and has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has submitted that the petitioners are the persons, who have committed crime along with other unknown co-accused due to previous enmity on the basis of the allegation that



the informant was allegedly involved in the commission of murder of the younger brother of the petitioners. Learned counsel further submitted that injury is grievous and involvement of the petitioners in the alleged offence cannot be ruled out and, as such, the petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, from perusal of the FIR, it appears that there is no direct allegation against the petitioners that they are the persons, who had fired upon the informant, who is the eye witness. The informant with his open eye saw that two persons on motorcycle had assaulted him with firearm, resulting into his injury. Even in his further statement, a doubt has been created that the petitioners were present at the place of incidence because CDR report reveals that the petitioners were near the place of occurrence. I find that there is only minuscule evidence against the petitioners in alleged commission of offence, particularly when the informant, who is with his open eye, had seen that two unknown persons came on motorcycle and shot upon him. On mere suspicion, the petitioners have been



made accused in the present case due to involvement of the informant in the alleged commission of murder of the younger brother of the petitioners.

8. In the facts and circumstances of the case, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Mufasil P.S. Case No. 97 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

