

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43573 of 2025

Arising Out of PS. Case No.-386 Year-2024 Thana- KHAGARIA District- Khagaria

1. Niraj Singh @ Niraj Kumar, S/O Suresh Singh, Resident of Village- Pandav Nagar, P.S.- Gangour, District- Khagaria.
2. Arun Singh @ Arun Kumar, S/O Suresh Singh, Resident of Village- Pandav Nagar, P.S.- Gangour, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners apprehend arrest in connection with Khagaria (Gangour) P.S. Case No. 386 of 2024 dated 22.07.2024 instituted for the offence punishable under Sections 329(3), 126(2), 115(2), 109, 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, when the informant was in his maize field, petitioner no. 1 and co-accused Surendra Singh @ Rajkumar Singh came with tractor and started ploughing his maize field. On protest made by the informant, they abused the informant and at the behest of Surendra Singh, Petitioner no. 2 fired upon the informant, but he managed to escape.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegation against petitioner no. 2 is that he fired upon the informant but he managed to escape. Nothing has been recovered from the possession of the petitioners. No cartridge has been recovered from the place of occurrence. There is no any injury of gunshot. It is further submitted that there is no allegation of any assault against petitioner no. 1. There is land dispute between the parties. Lastly, it has been submitted that petitioner no. 1 has one criminal case against him while petitioner no. 2 has four criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Khagaria (Gangour) P.S. Case No. 386 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria subject to condition as laid down under Section 482(2) of the B.N.S.S., subject to the following conditions:-



1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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