

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44611 of 2025

Arising Out of PS. Case No.-3 Year-2022 Thana- GHOSI District- Jehanabad

1. Naval Kishor Singh @ Naval Prasad S/o Krishna Prasad @ Krishana Prasad @ Krishna Prasad Singh Resident Of Village-Tarpar, P.S- Telhara, District- Nalanda
2. Ashutosh Kumar @ Ashutosh Kumar Yadav @ Ashutosh S/o Late Raj Kumar @ Late Raj Kumar Prasad Resident Of Village-Tarpar, P.S- Telhara, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Ghosi (Okari) P.S. Case No. 3 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

3. Allegedly, on the fateful day, while the informant was going towards Jehanabad along with his nephew, Gopal Prasad, in the meanwhile, all the accused persons, including the petitioners, came there and surrounded them. Both the petitioners pointed a pistol at the informant and his nephew and exhorted other accused persons to loot and kill them, whereupon the petitioner no. 2 snatched the gold chain and petitioner no. 1 took Rs. 55,000/- from the informant. There is further allegation



that other accused persons also assaulted the informant and his nephew, Gopal Prasad.

4. Learned Advocate for the petitioners taking this Court through the FIR submitted that even as per the narratives, the allegation has been levelled against the petitioners that they pointed a pistol towards the informant; however there is no allegation of causing assault against the petitioners. The entire prosecution case falls to the ground for the simple reason that during the course of investigation, no material has been collected suggesting the complicity of the petitioners and accordingly the petitioners have not been sent up for trial. To support the aforesaid contention, charge sheet has been placed on record as Annexure-P/2. Differing with the final report, the learned Chief Judicial Magistrate has taken cognizance for the offences alleged in the FIR against the petitioners. It is further submitted that the informant is none else but the close agnates and earlier also similar nature of FIRs were instituted wherein the police, after making investigation of the case, have submitted final report showing them innocent. The informant is said to be the person habituated to file a false case against the family members, whosoever, opposed the conduct of the informant.



5. On the other hand, learned Advocate for the informant and the State vehemently opposed the bail application and submitted that the besides the specific allegation against the petitioners, the informant was also assaulted by accused persons which fact has also been corroborated from the injury report. The injuries sustained to the informant are said to be dangerous to life. It is also contended that the petitioners are also habitual offenders and it is not the fact that only the informant has instituted a case against the petitioners; one another person has also instituted SC/ST P.S. Case No. 48 of 2023, but in the said case also final form has been submitted which also suggests that the petitioners are influential persons and they are in hand in gloves with the Investigating Officer.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that during the course of investigation, no materials have been collected resulting into submission of the final report showing the petitioners as innocent, coupled with the long standing enmity and the simple nature of injuries, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this



order, 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, Jehanabad in connection with Ghosi (Okari) P.S. Case No. 3 of 2022 , subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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