

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45402 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- SAHPUR District- Bhojpur

Shivajeet Mishra Son of Late Naren Mishra Resident of Village - Sonbarsha,
Police Station - Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Ashok Kumar Singh, Adv. Mr. Anant Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP Mr. Sanjay Kumar Tiwary, Adv. Mr. Abhijit Prabhat, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-11-2025 Heard learned Senior counsel for the petitioner Mr. Krishna Prasad Singh, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 109, 3(5) of the B.N.S and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of eleven cases, but then he was acquitted in eight cases, and the informant alleges that while he was returning from a *Tilak* ceremony on 15.04.2025 at 07:45 P.M. by car, when he was intercepted by a black scorio vehicle in which petitioner along with named accused persons were



sitting and on orders of petitioner, Sant Mishra and Kishun Mishra opened fire on his car, but he managed to save himself, next alleges that his father was killed and in the case, sons of the petitioner were convicted, and recently their bail application was rejected, which had angered the petitioner.

4. Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that though the informant alleges that the accused persons resorted to firing, but then neither the informant was injured nor the car was damaged. It is also submitted that the investigating officer of the case at para-6 of the case diary has recorded that no empty cartridge was recovered from the place of occurrence. It is thus submitted that if indiscriminate firing was made but then neither the informant nor the car got damaged nor any cartridge was recovered from the place of occurrence, that amply demonstrates the falsity of the allegation. It is also submitted that no doubt petitioner has antecedents of eleven cases, but then he was acquitted in eight cases and presently is aged about 76 years. It is also submitted that the tenor of the allegation amply demonstrates that there is animosity in between the



family members of the petitioner and the informant and criminal cases cut both ways.

5. The learned senior counsel next submits that merely because petitioner has an antecedent, that in itself would not be a justification for the Court not to consider his case for anticipatory bail in the nature of the allegation as alleged, more so when neither the car was damaged nor any empty cartridges were recovered from the place of occurrence nor the informant was injured.

6. Learned A.P.P. for the State, and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner. The learned APP fairly submits after perusing the case diary that at para-6 of the case diary, it is recorded that no empty cartridges were recovered from the place of occurrence. The learned counsel appearing on behalf of the informant is also not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that neither the car was damaged nor any empty cartridges were recovered from the place of occurrence nor the informant was injured, but then submits that if privilege of anticipatory bail is granted to the petitioner, he may abscond, on which the learned senior counsel submits that petitioner will not abscond but rather will cooperate



in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shahpur P.S. Case No. 90 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. However, it is made clear that if the investigating officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court, is not co-operating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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