

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49865 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- GAURICHAK District- Patna

Jai Prakash Rai @ Jai Prakash Kumar S/o Lallu Rai R/o Village- Kamarji,
P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jaishankar Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Gaurichak P.S. Case No. 117 of 2025, registered for the offences punishable under Sections 352, 115(2), 126(2), 109 and 3(5) of the BNS, 2023 and Section 27 of the Arms Act, 1959.

3. Allegedly, while the informant along with other family members were present on the land, in the meanwhile, the petitioner along with 5-6 unknown persons armed with weapon came there and started abusing and assaulting. It is further alleged that the accused persons also resorted to firing in order to terrorize. The informant and his brother and sons anyhow succeeded in fleeing away.

4. Learned Advocate for the petitioner contended that



save and except the omnibus allegation of abusing and assaulting, apart from making indiscriminate firing, there is no specific allegation against the petitioner. In fact, the genesis of the occurrence is a land dispute and the informant and the petitioner of the case are co-villagers, having their respective share in purchase land adjacent to each other, which they have purchased from the same seller. On the date of occurrence, since some dispute has arisen, while the informant was trying to encroach upon the land of the petitioner and when protest was made, the present FIR came to be lodged. It is the admitted position that no injury has been sustained to any of the persons; moreover, the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State and informant opposed the pre-arrest bail application and submits that the impugned order clearly suggest that some empty cartridges were recovered from the place of occurrence and, as such, the allegation resorting to indiscriminate firing corroborates from the material evidence.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the genesis of the occurrence and the fair antecedent as also the fact that none has sustained any injury, let the petitioner



above named be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge – II, Patna City, Patna in connection with Gaurichak P.S. Case No. 117 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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