

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56535 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

1. Dinesh Rai S/o Ram Narayan Rai R/o Village - Rajpur, P.S - IIT Amhara , District - Patna
2. Rohit Kumar S/o Bineshwari Yadav R/o Village - Rajpur, P.S - IIT Amhara , District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Raj

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with IIT Amhara P.S. Case No. 49 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 74, 117(2), 303(2), 351(2) and (3), 3(5) of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, brother-in-law of informant was returning home from Bihta. It is further alleged that all the accused persons including the petitioners attacked the informant's brother-in-law but somehow he escaped unhurt. Thereafter, all accused persons attacked the house of informant and they had made several rounds of firing as a result of which



one of informant's neighbor who happens to be son of her *bhaisur* namely *Atish Kumar* sustained fire arm injury in his leg. It is further alleged that accused persons fired upon her brother-in-law with intention to kill him but he escaped unhurt. It is further alleged that all the accused persons broke the hand of informant and snatched her chain.

4. Learned counsel for the petitioners submits that there is case and counter case on the same date of occurrence and free fighting between the parties cannot be ignored. He further submits that the occurrence took place on 27.03.2025, the FIR was lodged on 28.03.2025 and the same was sent to the concerned court on 02.04.2025 i.e. after delay of four days. In this way, at every stage there was delay and the delay has not been explained which questions the authenticity of the FIR. He further submits that there is no specific allegation against any of the petitioners rather the allegations are general and omnibus in nature. He further submits that though one person sustained gun shot injury in his leg but it was not specific as to who has made firing upon him and the same is on the non-vital part of the body. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioner no. 1 bear no criminal antecedent and petitioner no. 2 bears criminal antecedent of one case in which he is on bail.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that there is allegation against the petitioners in the FIR. Hence, they cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, there is no specific allegation against any of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 A.C.J.M., Patna in connection with IIT Amhara P.S. Case No. 49 of 2025, subject to the conditions as laid down under Section Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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