

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64546 of 2025

Arising Out of PS. Case No.-81 Year-2024 Thana- SANICHARI District- West Champaran

Nand Kishor Upadhyay Son of Sinheshwar Upadhyay @ Sindeshwar Upadhyay R/o Village - Pakaridhar, Ward 05, Bahuarwa, Laxmipur, P.S. - Jogapatti, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate
For the State	:	Mr. Murli Dhar, A.P.P.
For the Informant	:	Mr. Gyan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Shanichari P.S. Case No. 81 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 109(1), 352, 351(3) of the B.N.S. and Sections 25(1)(b-a) 26, 27 and 35 of the Arms Act.

3. As per prosecution case, petitioner is said to have abused and threatened the informant. It is alleged that co-accused Dhanesh Yadav made two rounds of firing upon the informant and when he tried to save himself, meanwhile co-accused Sandeep Thakur fired upon the informant by means of pistol as a result of which informant sustained gun shot injury in



the left side of his chest.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that no specific allegation of firing is attributed against the petitioner rather the specific allegation of firing is against co-accused Sandeep Thakur which hit the informant on the left side of his chest. He further submits that specific allegation of firing is also against co-accused Dhanesh Yadav. He further submits that the allegation against the petitioner is of abusing and threatening the informant. In the light of the facts and circumstances of the case, no case is made out against the petitioner under Section 109 of BNS. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner by submitting that though, specific allegation of firing is against co-accused Sandeep Thakur and Dhanesh Yadav but petitioner is also named in FIR and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioner, no specific allegation of firing is against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, West Champaran, Bettiah in connection with Sanichari P.S. Case No. 81 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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