

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75483 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Nishant Kumar Rai @ Bholu Rai S/o- Ajay Rai Resident of Village- Madhu Khereya Ps- Gopalganj Dist- Gopalganj
2. Amit Kumar Rai S/o- Upendra Rai Resident of Village- Bankatwa Ps- Gopalganj Dist- Gopalganj
3. Satish Kumar Ram S/o- Rambilash Ram Village- Patil Chakra Gopi Ps- Gopalganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Learned Counsel for the petitioners submits that during the pendency of the present application petitioner No.1 has been arrested. Therefore, against petitioner No.1 this case has become infructuous.

3. As such, learned counsel for the petitioners is not pursuing this case against petitioner No.1.

4. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS,



2023') for grant of anticipatory bail to petitioner Nos.2 and 3, who apprehend arrest in connection with Gopalpur P.S. Case No.181 of 2024, lodged on 09.08.2024, under Sections 191(3), 190, 308(3), 324(2)(3) and 333 of the B.N.S. 2023 and under Section 27 of the Arms Act.

5. As per the prosecution, FIR has been lodged against three accused persons with allegation that they have assaulted the informant and demanded ransom of rupees two lakhs.

6. Learned Counsel for the petitioners submits that the informant is repeatedly filing case against the petitioners on petty disputes. He submits that the informant has also filed a case against petitioner No.2 about abduction of his daughter. The said case is also pending at present against him. Counsel further submits that the petitioners are innocent and have committed no offence. Due to previous enmity this case has been filed. He submits about petitioner No.3 that he has been named in this case only due to the reason that he is friend of petitioner No.1. He further submits that criminal antecedent of petitioner No.3 is not clean. There is one case pending against him under Section 30(a) of the Bihar Excise Act. There is one criminal antecedent against petitioner No.2, which has been



filed by the informant himself.

7. Learned Counsel for the informant has appeared and vehemently opposes the prayer for bail and submits that it is true that the informant has filed one case of abduction and second case for ransom. He submits that the petitioners are of such nature that they again committed crime against the informant due to which he has filed third case in the month of December.

8. Learned Additional Public Prosecutor for the State opposes the prayer for bail.

9. In the present facts and circumstances of the case, this Court is not inclined to grant bail to petitioner No.2 and, therefore, his prayer for anticipatory bail is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

8. So far as petitioner No.3 is concerned, let petitioner No.3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-V,



Gopalganj, in connection with Gopalpur P.S. Case No. 181 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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