

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73557 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- BEN P.S. District- Nalanda

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1. Rajiv Kumar S/O Nagina Yadav @ Nagina Prasad R/O Village- Ramganj,
P.S.- Ben, District- Nalanda
 2. Nitish Kumar S/O Nagina Yadav @ Nagina Prasad R/O Village- Ramganj,
P.S.- Ben, District- Nalanda
 3. Nagina Yadav @ Nagina Prasad @ Nagina Gop S/O Late Ramji Gope @
Late Ramji Yadav R/O Village- Ramganj, P.S.- Ben, District- Nalanda
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Ben P.S. Case No. 152/2025 dated 10.07.2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 352, 351(2) and 3(5) of B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, informant was doing



agriculture work in his field. He received information that petitioners and other were ploughing the field of the informant. On the said information, informant reached there along with his son and saw that the petitioners were ploughing the said field. When the informant tried to stop them, one of the co-accused Laxman Kumar fired on the informant with intention to kill him but the cow of other villager received the bullet and sustained injury. It is alleged that all the accused persons tried to catch the informant but he and his son fled away to save their life. It is alleged that all accused persons wanted to usurp the land on the basis of forged deed.

4. Learned counsel for the petitioners has submitted that petitioners are quite innocent and have committed no offence as alleged in the F.I.R. and they have falsely been implicated in this case. Learned counsel for the petitioners submitted that the allegations made in the F.I.R. are without any substance as no one sustained injury and no material was collected during course of investigation and in light of aforesaid facts and circumstances of the case offence under Section 109(1) has not been made out against the petitioners. The petitioners have falsely been implicated in the present case on account of land dispute between the petitioners and the owner of



the land. Because of the previous land dispute, petitioners have been falsely framed in the present case. In light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners. The petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners and submitted that petitioners and others have participated in alleged occurrence and hence, petitioners cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, there is no specific allegation of assault and no allegation of firing against the petitioners, keeping in view the clean antecedent of the petitioners, arguments 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM 1st, Biharsharif, Nalanda in connection with Ben P.S. Case No. 152/2025, 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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