

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79825 of 2024**

Arising Out of PS. Case No.-87 Year-2024 Thana- GOPALPUR District- West Champaran

Nitish Mishra @ Nitesh Mishra S/o- Paras Mishra @ Paras Mishra, Resident of  
Village- Bahuarwa Police Station- Gopalpur District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      14-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Gopalpur P.S. Case no. 87 of 2024 registered under sections 307, 341, 323, 384, 447, 427, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, five named accused persons including the petitioner herein, over a land dispute, are said to have come variously armed. It is further stated that the petitioner fired from his country made pistol. The informant states that he somehow managed to save his life. It is further stated that the other co-accused snatched Rs. 25,000/- from him. The accused were making an attempt to capture his land.

4. It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. The allegations are false and concocted. The parties are agnates and there is case and counter case between them. Admittedly no person whatsoever has been injured as a result of the alleged firing resorted to by this petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that there is allegation of firing on this petitioner. Referring to the F.I.R. it is submitted that there is a video recording of the petitioner resorting to firing and in course of investigation it has transpired that the pendrive with the said recording has been made available to the Investigating Officer of the case.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, wherein, he is said to have resorted to firing, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

8. Taking into consideration that no person was injured in the occurrence, in case the petitioner so surrenders



within a period of four weeks and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection.

**(Partha Sarthy, J)**

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