

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81582 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- JIRADEI District- Siwan

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1. Abhay Kumar Mishra @ Master S/O Birendra Mishra Resident of Village - Gangauli, P.S. - Jiradei, District - Siwan
 2. Ammol Kumar Mishra @ Anmol Mishra S/O Birendra Mishra Resident of Village - Gangauli, P.S. - Jiradei, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Jiradei P.S. Case No.121 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 308(3), 351(3), 3(5) and 109 of the BNS, 2023 and Section 27 of the Arms Act.

3. On the fateful day, while the son of the informant was engaged in installing light at BRM Nursing Institute and Medical Science College, in the meanwhile, the petitioners came there and demanded an extortion of Rs.10 lac. When the same was resisted, it is specifically alleged that petitioner no.2 put his pistol over his temple and petitioner no.1 fired upon him,



due to which he sustained firearm injury in his hand.

4. Learned Advocate for the petitioners contended that prior to the institution of the present case, one Complaint Case No.728 of 2024 was lodged by the present informant upon petitioner no.1 and others, whereas petitioner no.1 had also lodged Jiradei P.S. Case No.43 of 2024; hence, previous enmity is writ large. So far the allegation against the petitioners is of causing firearm injury is concerned, the same is only attributed to petitioner no.1. There is only allegation against petitioner no.2 that he put his pistol over the head of the informant's son. Moreover, there is only one bullet injury over the hand of the informant's son; though the same is found to be grievous in nature. Petitioner no.2 bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that both the petitioners were demanding extortion money and when the same was resisted, the informant's son was shot; however, he anyhow survived and bullet hit in his hand, leading to grievous injury.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that *prima facie* it is petitioner no.1, who fired upon the



son of the informant, due to which he sustained a bullet injury and he bears three criminal antecedent besides the present one, this Court is not inclined to enlarge him on pre-arrest bail. Accordingly his prayer is rejected.

7. So far petitioner no.2 is concerned, he is having fair antecedent and there is no specific allegation of firing against him, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in connection with Jiradei P.S. Case No.121 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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