

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7115 of 2026

Arising Out of PS. Case No.-183 Year-2025 Thana- SINDHIYA District- Samastipur

Umesh Prasad Singh, aged about 70 years, Gender-Male, S/o Late Chaturbhuj Prasad Singh @ Chaturbhuj Singh, Resident of Village- Lagma, P.S.- Singhiya, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate Mr. Vijay Anand, Advocate Mr. Roop Kishan, Advocate
For the Informant	:	Mr. Gunjesh Gautam, Advocate
For the State	:	Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2026 Heard Mr. Ajay Kumar Thakur, learned counsel assisted by Mr. Vijay Anand, learned counsel appearing on behalf of the petitioner; Mr. Gunjesh Gautam, learned counsel for the informant and Mr. Humayou Ahmad Khan, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Singhiya P.S. Case No. 183 of 2025 registered for the offence punishable under Sections 109, 352, 3(5) of the BNS and Sections 27 and 30 of the Arms Act.

3. As per the allegation made in the FIR, the petitioner along with his son (co-accused Ravin Singh), with a common intention to kill, had fired indiscriminately upon the informant



side, in which, father of the informant namely, Suresh Singh, uncle of the informant namely, Mahesh Prasad Singh and mother of the informant namely, Ranjana Devi had sustained multiple fire-arm injuries on their different parts of body.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Petitioner is aged about 70 years and no overt act has been alleged against him. Due to a pre-existing family dispute, there was a heated altercation between the petitioner and the informant and in the heat of passion, both parties indulged into hot talk, which led to the commission of the present incidence as alleged in the FIR. He further submitted that the co-accused, who son of the petitioner, namely, Ravin Singh was carrying licensee pistol and allegation against the petitioner is that he had also used fire-arm but no description of that fire-arm has been alleged in the FIR. Direct allegation of indiscriminate firing is upon co-accused Ravin Singh, who is in custody and so far as the petitioner is concerned, allegation against him is that he had ordered the co-accused Ravin Singh to open fire upon mother of the informant, namely, Ranjana Devi, who had sustained one fire-arm injury in her left thigh and, at the best, it can be said that the petitioner



was the order giver. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, Mr. Gunjesh Gautam, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is the one, who has not only obstructed the free movement of the family members of the informant due to collision of mud in front of the house of their house, at the same time, he is the main conspirator, as well as, the order giver, who had directed his son to fire upon the informant and his family members, in which, three persons had sustained bullet injuries on different part of their bodies. The petitioner is own uncle of the informant, as such, the intention of *mens rea* is well established in commission of alleged offence. Learned counsel further submitted that petitioner has not made out a case that in course of trial, he will be acquitted.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. The Apex Court in the case of ***Manno Lal Jaiswal Vs the State of Uttar Pradesh & Anr (Criminal Appeal No. 97 of 2022)*** has observed that while granting bail, the relevant considerations are (i) nature of seriousness of the offence; (ii)



character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering.

8. It is well settled that gravity alone cannot be a decisive ground to deny bail, rather competing factors are required to be balanced by the Court while exercising its jurisdiction. *“A person is believed to be innocent until found guilty”*.

9. Having heard the rival submissions made on behalf of the parties, as well as, having considered the facts and circumstances of the case and the allegation made against the petitioner in the FIR, if it is considered in the totality of the material, which has surfaced in course of investigation, I find that the petitioner, at the best, can be said to be the order giver and his son by means of his licensee pistol, had fired upon the father, uncle, who are own brother of the petitioner and mother of the informant (wife of Suresh Prasad), sister-in-law of the petitioner, in which, injury of Mahesh Prasad Singh was dangerous to life and he was operated and saved after undergoing treatment for six months in hospital. The common



intention of the petitioner along with his son (co-accused Ravin Singh) has to be determined whether, he is the one, who had instigated his son Ravin Singh, who is in custody. I find that the allegation against the petitioner don't find support from the material, which has been collected in course of investigation as it appears that the petitioner has admitted that there was a heated talk between the parties and as a result of heat of the moment, his son Ravin Singh had started indiscriminate firing upon the family members of the informant and direct allegation against him that he had injured Mahesh Prasad Singh and Suresh Singh, who had sustained grievous injuries and it can not be established that the petitioner had also used fire-arm. I find that there is every likelihood that the petitioner will be acquitted in course of trial. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

10. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Singhiya P.S. Case No. 183



of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

11. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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