

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11673 of 2026

Arising Out of PS. Case No.-14 Year-2005 Thana- NARDIGANJ District- Nawada

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Ramjee Yadav @ Ramjee Prasad Son of Late Baso Yadav @ Domi Yadav @
Basudeo Prasad Resident of Village- Keshoriya, Post- Meshordh, P.S.-
Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Vikram, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP
For the Informant : Mr.Vakil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-04-2026 Heard Mr. Kumar Vikram, learned counsel appearing on behalf of the petitioner, Mr. Anil Prasad Singh, learned APP appearing on behalf of the State and Mr. Vakil Kumar, learned counsel appearing on behalf of informant.

2. The petitioner apprehends his arrest in connection with Sessions Trial no. 325/07 (State Versus Rajesh Kumar & another), arising out of Nardiganj, P.S case no. 14/2005 registered for the offences under Sections 341, 323, 324, 307, 34 of the Indian Penal Code (I.P.C) & 27 of the Arms Act.

3. As per the allegation made in the FIR, based on the fardbeyan of the informant alleging that while he was



proceeding to cast his vote, the petitioner along with other accused persons, armed with firearms, allegedly surrounded him, fired upon him causing injury near his chest, and one of the accused took away his wrist watch, and it is further alleged that the occurrence was motivated by previous enmity arising out of a kidnapping case in which the accused believed that the informant had falsely implicated one of their family members.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. The alleged occurrence took place on 01.03.2005, whereas the FIR being Nardiganj P.S. Case No. 14 of 2005 was instituted much thereafter on 17.04.2005. After investigation, the police submitted charge-sheet bearing no. 54/2006 dated 25.08.2006 only against co-accused persons, namely Rajesh Kumar and Anil Yadav, and exonerated the petitioner by submitting final form in his favour. Even at the stage of cognizance, *vide* order dated 29.12.2006, the learned District Court did not find sufficient material to proceed against the petitioner. The petitioner has been summoned only subsequently by order dated 23.12.2025 passed under Section 319 Cr.P.C., allowing the petition dated 28.04.2025 filed by the informant, which is not sustainable in the eye of law,



particularly when an earlier application under Section 319 Cr.P.C. on similar grounds had already been rejected. Out of the witnesses examined so far during trial, the majority have not supported the case against the petitioner and only a few interested witnesses have taken his name. There exists admitted enmity and land dispute between the parties, which provides motive for false implication. The petitioner is having clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of informant, as well as, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard learned counsel for the parties, as well as, upon perusal of the record, it appears that the alleged occurrence has taken place on 01.03.2005, whereas, the FIR was instituted on 17.04.2005. It further appears that after completion of investigation, the police submitted charge-sheet no. 54/2006 dated 25.08.2006 only against the co-accused persons and submitted final form in favour of the present petitioner. It further transpires that the learned District Court, while taking cognizance vide order dated 29.12.2006, did not proceed against the petitioner. The petitioner has been summoned at a much



belated stage during trial by order dated 23.12.2025 passed under Section 319 Cr.P.C., allowing the petition dated 28.04.2025 filed by the informant, despite an earlier similar application having been rejected. From the materials available, it also appears that there is existence of prior enmity between the parties and there is absence of recovery of any incriminating article from the petitioner. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail .

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court 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 District Court where the case is pending in connection with Nardiganj, P.S case no. 14/2005, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

8. 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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