

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33842 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- EKANGARSARAI District- Nalanda

1. Shailesh Kumar son of Ramashray prasad R/o Village- Maharajganj Ps- Ekangarasarai Dist- Nalanda
2. Ramashray Prasad Son of Late Ras Bihari Das R/o Village- Maharajganj Ps- Ekangarasarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Adv
For the Informant/s	:	Mr. Rudal Prasad, Adv
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 24-07-2026 Heard the learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Ekangarsarai P.S. Case No. 46 of 2026, registered under Sections 191(3), 109(1), 329(3), 61(2) of B.N.S. & Section 27 of the Arms Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that due to previous dispute all the named accused, including the petitioners came to the house of the informant and started indiscriminate firing with an intention to



kill the informant and his family members. Somehow or other the informant saved himself and informed the police. The police reached at the place of occurrence and upon seeing the police party, the accused persons managed to escape, however four persons were arrested at the place of occurrence itself by the police. Further two vehicles were found to be abandoned on bypass by the police while they were returning and from the said vehicle, pistol and cartridges were seized.

4. The learned counsel for the petitioners submits that the petitioners and the informant are *gotiya* and there is admitted land dispute in between the parties. He further submits that no such occurrence has taken place and there is only allegation of firing, however no injury was sustained by anyone. He further submits that so far the recovery of vehicles and other things are concerned, the same have not been recovered from the possession of the petitioner and the petitioners bear clean antecedent.

5. *Per contra*, the learned counsel appearing on behalf of the informant, while opposing the prayer of bail of the petitioners submits that all the accused persons surrounded the house of the informant and started indiscriminate firing. Somehow or other the informant managed to inform the police



and when the police party reached, four persons were apprehended at the place of occurrence and the vehicles along with some arms was also seized.

6. The learned APP for the State also opposes the prayer for bail of the petitioners and submits that the allegation of indiscriminate firing has been made against the petitioners and others.

7. Having considered the rival submissions and after going through the record, it appears that vide order dated 20.05.2026, the case diary and the injury report were called for. From perusal of the report of the Investigating Officer of the case, which has been annexed with the case diary, it would transpire that despite repeated requests made by the Investigating Officer, no injury report was provided by the informant and it was orally informed to the Investigating Officer that since the informant or his family members did not sustain any injury, therefore they did not visit any private or Government hospital for a treatment. Further petitioners were not present at the place of occurrence, therefore there is no question of any recovery from them and only due to previous land dispute the name of the petitioners have been leveled in the present case. Considering the above, let the above named



petitioners, in the event of their arrest or surrender within a period of six weeks, be released on anticipatory bail in connection with Ekangarsarai P.S. Case no. 46 of 2026 , on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Hilsa (Nalanda)/Court concerned Hilsa (Nalanda), subject to the condition laid down under Section 482(2) of the B.N.S.S., and subject to the following condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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