

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45417 of 2026

Arising Out of PS. Case No.-323 Year-2025 Thana- KHAIRA District- Jamui

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1. Rohit Modi Son of Bharat Modi R/o - Gangti Bishanpur, P.S - Khaira, District - Jamui
 2. Bharat Modi @ Bharath Modi Son of late Dhobi Modi R/o - Gangti Bishanpur, P.S - Khaira, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. The Investigation Office of the case, Sanjay Kumar, in compliance of the order dated 14-7-2026, is present in the court.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that he along with his brother are residing outside, next



alleges that his mother died in the year 2023 and his father (Anandi Modi) stays in the village and does agriculture, further for the last 2-3 years, land dispute is going on with his neighbours (Bharat and Gauri Shankar), next alleges that they have their vacant land near his house and they also threatened to close the passage of his house, further on 28-7-2025 the Amin had measured the land but they were not willing to accept the same like on earlier occasion, further after measurement, Bharat, Gauri Shankar, Rohit, Shravan and their families threatened to kill his father, hence his father informed his sons, it is next alleged that on 29-7-2025 his brother called and informed that their father was not picking the phone and at 7 pm, he came to know that his father has been killed, thus alleges based on suspicion that 8 named accused persons including the petitioners killed his father.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that the father of the informant was killed and cause of death in the postmortem was recorded as cardio respiratory failure due to external bleeding and shock caused by fire-arm. It is further submitted that no doubt the father of the informant was killed by



gunshot injury but then petitioners were not involved in the occurrence and their name transpired on account of dispute relating to land.

6. On query of the court from the Investigating Officer with regard to material which transpired during the course of investigation connecting the petitioners with the offence, the Investigating Officer submitted that during the course of investigation no material transpired connecting five of the named accused persons with the offence and case was found true against three accused persons, namely, Munna Modi, Sharvan Modi and Gauri Shankar Modi and Munna Modi has already been taken into custody.

7. Learned A.P.P. for the State also submits that petitioners on the date of occurrence were not even present in the village rather were at Chandigarh and Banaras as would manifest from para 105 and 106 of the case diary.

8. The Investigating Officer, at this stage, submits that final form till date has not been submitted in favour of the petitioners exonerating them of the allegations, on which learned counsel appearing on behalf of the petitioners submits that if privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will co-operate in the



investigation to prove their innocence.

9. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khaira P.S. Case No. 323 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

10. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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