

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70610 of 2025

Arising Out of PS. Case No.-95 Year-2020 Thana- Arwal District- Arwal

Ashok Kumar S/o- Kedar Singh Resident of Noniya Bigha PO- Fakharpur PS
and District- Arwal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Choubey, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
CAV ORDER

3 08-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application has been filed for quashing of the impugned order dated 27.08.2025 passed by the learned District and Additional Sessions Judge-1st, Arwal, in S.T. No. 314 of 2024, arising out of Arwal P.S. Case No.95 of 2020, whereby the discharge petition filed by the petitioner under Section 250 of the Bhartiya Nagrik Suraksha Sanhita, 2023, has been rejected and the prayer for discharging the petitioner from the case has been rejected.

3. As per the prosecution case, the wife of the younger brother of the informant was being behaved indecently by one Nityanand for last three days and, on 09.03.2020, at about 03:30 PM, while the wife of the younger brother of the informant was passing through the door of accused Nityanand carrying grass



she was again misbehaved. Accused persons, namely, Nityanand, Mithilesh Singh, Nawal Kumar, Manoj Kumar, Santosh Kumar, Bajrangi Kumar, Bittu Kumar, Ashok Kumar, Sudli and Lakshman Singh, all in drunken state armed variously with fire-arms came to the house of informant and started abusing and opened indiscriminate firing. It is alleged that accused Nawal Kumar armed with rifle fired on the wife of the informant injuring her. When the informant came to the rescue of his wife, then Nityanand fired upon the informant due to which the informant sustained injuries. Upon hearing the sound of firing, when nearby villager assembled, the accused persons fled away. Both the injured, the informant and his wife, were taken to Sadar Hospital and were referred to Patna for better treatment.

4. Learned counsel for the petitioner has submitted that the petitioner has filed an application for discharging him from the case as the petitioner has been falsely implicated due to land dispute, which relates to about 98 decimals of land. There is no independent witness in the present case and there are no material evidence against this petitioner to constitute any offence as alleged in the FIR and perusal of entire FIR as well as the case diary would show that the allegation against the



petitioner is of standing near the place of occurrence.

5. Learned counsel for the State has vehemently opposed the prayer of the petitioner and has submitted that the offence alleged in this case are offences with respect to commission of offences under Sections 147, 148, 149, 354, 324, 307 and 504 of the IPC and Section 27 of the Arms Act. It is a case in which the informant and his wife have been injured by firearm. The petitioner was assaulted armed with fire-arm and there is allegation of indiscriminate firing against the petitioner along with other co-accused persons of the case. The petitioner was charge-sheeted, allegation against him was found to be true during investigation and it is not a case that he was a bystander, rather he participated in the occurrence having been a member of the unlawful assembly and there are sufficient grounds for proceeding against the petitioner and enough material to frame charges against him.

6. Having considered the submissions of the parties and perused the record, this Court finds the case to be a serious one, wherein two persons have received gunshot injuries. The petitioner was charge-sheeted and there are enough and sufficient materials to proceed against the petitioner and thereby any interference with the impugned order is not warranted.



7. This application is devoid of merit and is accordingly dismissed.

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	24.03.2026.
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