

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62020 of 2025

Arising Out of PS. Case No.-457 Year-2025 Thana- GAYA MUFASIL District- Gaya

Mukesh Kumar S/o Shrikant Sharma Resident of Moh.- S.S. Colony, P.S.-
Muffasil, District- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74825 of 2025

Arising Out of PS. Case No.-457 Year-2025 Thana- GAYA MUFASIL District- Gaya

Sharwan Chaudhary @ Sharwan Kumar S/o Anandi Chaudhary @ Anand
Chaudhary R/o Village- Bhadeja, P.S.- Mufassil, District- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74867 of 2025

Arising Out of PS. Case No.-457 Year-2025 Thana- GAYA MUFASIL District- Gaya

Dipu Malakar @ Dipu Mali S/o Naresh Malakar R/o Village- Bhadeja
Devasthan, P.S.- Muffasil, District- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62020 of 2025)

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 74825 of 2025)

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 74867 of 2025)

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-01-2026

Cr. Misc. No. 62020 of 2025

Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.



2. The accused/petitioner apprehending his arrest in connection with Muffasil P.S. Case No. 457 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 109, 125, 122(1), 122(2), 113(3), 111(4) of BNS & 25(9), 27 of Arms Act.

3. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has two criminal antecedents and the informant alleges that he received an information that indiscriminate firing is being resorted to in between two groups to take possession of the land situated at S.S. Colony, Bakri Farm, accordingly the informant alongwith the police force reached the place of occurrence when accused persons fled and four empty cartridges were recovered from the place of occurrence. Further the informant from the spy came to know about the involvement of the petitioner in the occurrence. It is submitted that similarly situated co-accused persons have been granted bail by one of the learned co-ordinate Bench through Cr. Misc. No. 69835 of 2025 dated 01.11.2025.

4. Learned counsel further submitted that petitioner has been falsely implicated in the present case by the informant. It is submitted that form perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye-witness of the



occurrence, rather the name of the petitioner transpired on the basis of information provided by the spy. It is submitted that it is very easy to implicate someone based on secret information. It is submitted that for the same occurrence, Meena Devi instituted Mufassil P.S. Case No. 458 of 2025 under various sections of BNS read with Arms Act and SC/ST Act against the petitioner and others. It is further submitted that Meena Devi also taking cue from the instant FIR instituted the second FIR. It is further submitted that though there is allegation that indiscriminate firing was resorted to, but then no one was injured. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned APP appearing for the State submitted that petitioner found actively involved in the occurrence. However, it is conceded that informant is not the eye-witness of the occurrence.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* informant is not the eye-witness of the occurrence and in subsequent case for the same occurrence as lodged by Meena Devi i.e. Mufassil Case No. 458 of 2025, petitioner is on bail, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be



released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gayaji/concerned Court, where the case is pending in connection with Muffasil P.S. Case No. 457 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

Cr. Misc. No. 74825 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gaya Muffasil P.S. Case No.457 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 109, 125, 122(1), 122(2), 113(3) and 111(4) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 25(9) and 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and are in custody since 18.05.2025.

4. As per FIR, there was indiscriminate cross firing between two groups of land mafias, where informant is the Police Inspector of Gaya Muffasil Police Station.

5. It is submitted by learned counsel appearing for the petitioner that as per FIR, it can be gathered safely that the firing



was made indiscriminately from both sides, where none received injuries. It is submitted that the occurrence took place in the background of land dispute between the parties. It is further pointed out that except five empty cartridges in support of indiscriminate firing, nothing can be gathered in support of allegation. It is further submitted that regarding same occurrence, one private person, namely, Meena Devi lodged a separate FIR, which was lodged as Muffasil P.S. Case No.458 of 2025, where petitioner was granted bail by learned trial court itself. While concluding argument, it is submitted that investigation of this case is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent of petitioner, it is pointed out by learned counsel that petitioner found involved in total of 12 cases, where he is on bail in 08 cases. It is pointed out that in maximum of cases, the petitioner implicated merely on the basis of suspicion as of present case, as he is dealing with land related business. It is submitted that if the merit of this case otherwise convincing in favour of petitioner, merely on the basis of criminal antecedent, prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through



Prabhakar Tewari Vs. State of Uttar Pradesh and Another

reported in ***(2020) 11 SCC 648.***

7. Learned APP while opposing the prayer of bail could not disputed the aforesaid submissions as submitted by learned counsel appearing for the petitioner.

8. In view of aforesaid factual submissions, as allegation of firing is not specific against this petitioner, where implication *prima facie* appears to be made under the garb of allegation of indiscriminate firing, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 18.05.2025, accordingly, above-named petitioner is directed to be released on bail on 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 Chief Judicial Magistrate, Gayaji, in connection with Gaya Muffasil P.S. Case No. 457 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

Cr. Misc. No. 74867 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gaya



Muffasil P.S. Case No. 457 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 109, 125, 122(1), 122(2), 113(3) and 111(4) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 25(9) and 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and are in custody since 30.06.2025.

4. As per FIR, there was indiscriminate cross firing between two groups of land mafias, where informant is the Police Inspector of Gaya Muffasil Police Station.

5. It is submitted by learned counsel appearing for the petitioner that as per FIR, it can be gathered safely that the firing was made indiscriminately from both sides, where none received injuries. It is submitted that the occurrence took place in the background of land dispute between the parties. It is further pointed out that except five empty cartridges in support of indiscriminate firing, nothing can be gathered in support of allegation. It is further submitted that regarding same occurrence, one private person, namely, Meena Devi lodged a separate FIR, which was lodged as Muffasil P.S. Case No.458 of 2025, where petitioner was granted bail by learned trial court itself. While concluding argument, it is submitted that investigation of this case



is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent of petitioner, it is pointed out by learned counsel that petitioner found involved in total of 08 cases, where he is on bail in all cases. It is pointed out that in maximum of cases, the petitioner implicated merely on the basis of suspicion as of present case, as he is dealing with land related business. It is submitted that if the merit of this case otherwise convincing in favour of petitioner, merely on the basis of criminal antecedent, prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

7. Learned APP while opposing the prayer of bail could not disputed the aforesaid submissions as submitted by learned counsel appearing for the petitioner.

8. In view of aforesaid factual submissions, as allegation of firing is not specific against this petitioner, where implication *prima facie* appears to be made under the garb of allegation of indiscriminate firing, coupled with the fact that investigation of this case is already completed, where petitioner is



in custody since 30.06.2025, accordingly, above-named petitioner is directed to be released on bail on 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 Chief Judicial Magistrate, Gaya, in connection with Gaya Muffasil P.S. Case No. 457 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J)

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