IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73792 of 2026

CNR No. BRHC011078282026

Arising Out of PS. Case No.-405 Year-2026 Thana- PARSA District- Saran

==========

1. Nippu Kumar Son of Bigan Rai @ Bigneshwar Ray @ Bigneshwar Raray @ Vigneshwar Prasad Ray Resident of Village and Post - Madar, Marar, P.S.- Parsa, District - Saran, (Bihar).
2. Bigan Rai @ Bigneshwar Ray @ Bigan Raray @ Vigneshwar Prasad Ray Son of Late Jagarnath Ray Resident of Village and Post - Madar, Marar, P.S.- Parsa, District - Saran, (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Prince Khatri, Advocate
For the State : Mr. Harendra Prasad, A.P.P.
For the Informant : Mr. Shashi Bhushan Kumar, Advocate
: Mr. Tathagat Saurabh, Advocate

==========

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 28-10-2026 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), 351(3), 191(2), 191(3) of the B.N.S., 2023 and Section 27 of the Arms Act, 1959.

3. The allegation in the F.I.R. is that the petitioners along with others are said to have assaulted and one Deepak Kumar fired upon the informant.

4. Learned counsel for the petitioners has submitted

WEB COPY

that he has not been able to file a supplementary affidavit in view of the order dated 15.10.2026, in response to the statement made by the counsel for the informant that petitioner no.2 has more than one criminal antecedent. However, he has submitted that as a matter of fact, there is no other criminal antecedent but for the one stated in the petition being Maker P.S. Case No.09 of 1998. The learned counsel for the informant also does not have any details of his antecedent.

5. So far as the merits of the case is concerned, it has been submitted that there are general and omnibus allegations against these petitioners and the allegation is rather specific against one Deepak Kumar, that he was the one who exhorted and also resorted to firing. It is further submitted that the petitioners have been implicated on account of land dispute between the parties and no one has sustained any injuries. The entire story of installing of pillars on the land also is not true. The petitioners undertake to cooperate in the investigation.

6. Learned A.P.P. for the State and learned counsel for the informant, however, opposed the grant of anticipatory bail on the basis of allegations made in the First Information Report and also pointed out the fact that some empty cartridges were found at the place of occurrence. However, in response it has

WEB COPY

been submitted that the allegation of firing is upon co-accused Deepak Kumar and not on these petitioners.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that there are general and omnibus allegations against these petitioners, coupled with the fact that no serious injury has been caused to any persons and there is an admitted land dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/successor Court in connection with Parsa P.S. Case No. 405 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to the following conditions:-

(i) One of the bailors shall be a family member/close relative.

(ii) The petitioners shall co-operate with the investigation/trial and will appear before the investigating agency as and when required.

WEB COPY

(iii) The bail bonds of petitioner no.2 shall be accepted by the Court concerned only after verification of his criminal antecedents, and in case any other antecedent but for Maker P.S. Case No.09 of 1998 is found pending against the petitioner no.2, Bigan Rai, his bail bonds shall not be accepted.

(Soni Shrivastava, J)

ayush/-

U		T	

WEB COPY