IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35129 of 2026

Arising Out of PS. Case No.-192 Year-2025 Thana- Lakho District- Begusarai

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Md Moim @ Md. Moim Miyan, aged about 55 years, Male, S/o Md. Alam @ Md. Alim Miyan, R/o Village- Bahadurpur,Ward no. 8, PS- Lakho, District- Begusarai, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Anand, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 20-08-2026 Heard Mr. Abhishek Anand, learned counsel appearing on behalf of the petitioner and Mr. Ajay Kumar No. 2, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Lakho P.S. Case No. 192 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 109, 308(4), 303(2), 111, 351(2) &(3), 352, 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioner along with the other co-accused, had allegedly demanded a sum of Rs. 50,00,000/- from the informant and had also fired upon the informant and his family members but they were saved. It has further been alleged that all the accused persons including

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the petitioner forced the informant to sign a land stamp paper but they failed, and on this, they had brutally assaulted the informant and his family members with an intention to extort money and to kill.

4. Learned counsel appearing on behalf of the petitioner submitted that there is land dispute between the parties in respect of Khata No. 176, Khesra No. 536 measuring total area 1 Bigha, 5 Katha, 15 dhoor in which respect, the petitioner had filed a case before the District Magistrate for creation of Jamabandi, which was decided in favour of the petitioner and against the said order, for cancellation of Jamabandi, a Revision Case No. 104 of 2022 was filed by the informant before the revisional authority, which was decided in favour of the informant and against the said order of the revisional authority, the petitioner informs that he has preferred BLT Case No. 966 of 2025, which is pending for its adjudication. Learned counsel further submitted that to put pressure on the petitioner, the informant, by hatching a false story, has lodged the present FIR. Petitioner has no criminal antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the

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prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the material, which has surfaced in course of investigation, from which, it appears that specific allegation of causing injury on the person of the informant and his family members is against the petitioner, however, the opinion of the doctor in respect of injury is reserved. There is admitted land dispute between the parties. The FIR appears more to pressurize the petitioner, who had allegedly caused injury on the person of the informant. *Prima facie*, I find that criminal intent lacks. The matter is primarily civil in nature. In this regard, I find it apt to take note of the observation made by the Apex Court in case of ***Paramjeet Batra v. State of Uttarakhand*** reported in ***(2013) 11 SCC 673,*** in which, the Apex Court in paragraph no. 12 has held as follows:

> *"**12.** While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. **A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has***

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happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court."
(emphasis supplied)

7. Considering the above facts and the law laid down by the Apex Court, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Lakho P.S. Case No. 192 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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