

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1052 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Kanchan Kumar Prasad S/O Late Raghunath Prasad Resident of Village -
Sani, Basantpur, P.S.- G.B. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Raghav Prasad, Advocate
		Ms. Urmila Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with G.B Nagar P.S Case no.367 of 2024 registered under sections 309(b) of the Bhartiya Nayaya Sanhita, 2023 and section 27 of the Arms Act to which Section 103 (1) of the Bhartiya Nayaya Sanhita was added subsequently.

3. As per the prosecution case, the informant states that while he along with others closed the ornament shop and were going home, the accused persons came variously armed and resorted to firing as a result of which his son sustained multiple firearm injuries. The accused persons looted Rs.3 lakhs besides other articles as mentioned in the FIR.



4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The petitioner was falsely implicated in course of investigation in the alleged confessional statement of a co-accused as also the petitioner's confessional statement. No such statement was given by the petitioner. Even as per the material that has transpired in course of investigation, the petitioner is not said to be the assailant but is said to be a liner. He is in custody since 18.7.2024, charge-sheet has been submitted in the case and he undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner has confessed to the occurrence. It has transpired in course of investigation that it was the petitioner, who being the neighbour of the deceased had hatched up this plan, committed recce and even as per the statement of the wife of the deceased, she was informed by her injured husband after the occurrence that the petitioner was present at the time of occurrence. The petitioner has criminal antecedents and the CDR of his mobile shows that he was near the place of occurrence at the time of occurrence.

6. In response, learned counsel for the petitioner submits that the so called statement of the wife of the deceased



has been recorded nearly two months after the alleged occurrence and even as per the said statement, he is not the assailant.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the petitioner not having been alleged to be the assailant of the deceased, his being in custody since 18.7.2024 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with G.B Nagar P.S Case no.367 of 2024 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 Additional Chief Judicial Magistrate-IV, Siwan.

(Partha Sarthy, J)

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