

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4080 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- SAHAR District- Bhojpur

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Balajee @ Purushotam Kumar S/O Sunil Rai Resident of Vill.- Perhap P.S
Sahar, Dist - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 15-05-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with Sahar P.S. Case No. 166 of 2024 registered for the
offences under Sections 103(1), 109, 190, 191(2), 191(3)
and 61(2) of BNS and Section 27 of the Arms Act.

3. The case of the prosecution is to the effect that
seven accused persons were named in the FIR and it was alleged
that they started indiscriminate firing on the husband of the
informant. The petitioner along with others have been named
and it has been alleged that they had hatched a plan to eliminate
the husband of the informant.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case as admittedly, from mere perusal of the FIR it is evident that he is not named in the FIR. His name has surfaced during the course of investigation. The informant is not an eye witness to the occurrence. The learned counsel for the petitioner has also submitted that the person who was accompanying the deceased namely Manoranjan Rai was neither examined by the police nor has he come forward to name the petitioner and other persons to be involved in the present incident. It is also submitted that there is no specific allegation of any overt act against the petitioner and other named accused persons have been granted bail by the Coordinate Bench of this Court *vide* order dated 22.01.2025 passed in Cr. Misc. No. 76237 of 2024 as also order dated 21.02.2025 passed in Cr. Misc. No. 78515 of 2024. It is lastly submitted that he is languishing in custody since 20.09.2024.

5. Learned counsel for the State has opposed the prayer for regular bail and has stated that the petitioner was instrumental in the murder of the husband of the informant.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the petitioner is not named in the FIR, the so-called eye-witness



to the occurrence has not named him and that he is in custody since 20.09.2024, let the petitioner above-named be enlarged on bail 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 Judicial Magistrate 1st Class, Bhojpur at Ara in connection with Sahar P.S. Case No. 166 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond



of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

Prakash/-

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