

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5260 of 2025

Arising Out of PS. Case No.-448 Year-2024 Thana- DHANARUA District- Patna

Ajay Kumar Son of Sri Kaulej Prasad village - Chakjiya, Ps- Dhanarua, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP
For the Informant : Mr. Pramod Kr. Yadav, Adv.
Mr. Sumit Kumar, Adv.
Mr. Sudhanshu Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Dhanarua P.S. Case No. 448 of 2024 instituted for the offences under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioner is of pelting stone and brick upon the Informant. It is also alleged that the petitioner fired upon the Informant which hit upon his stomach.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. He further submits that the date of occurrence is 05.08.2024 but, the fardbeyan was recorded on 07.08.2024 that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has never been made accused in any case of similar nature of offence. Learned counsel for the petitioner further submits that the informant has not alleged that any repeated firing was made either by the petitioner or any of the co-accused persons and, thus, there was no intention of the petitioner of causing death of the informant. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.10.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The postmortem report supports the prosecution case. There is direct allegation of firing against the petitioner and,



thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhanarua P.S. Case No. 448 of 2024.

(Rudra Prakash Mishra, J)

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