

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4635 of 2025**

Arising Out of PS. Case No.-295 Year-2024 Thana- NEMDARGANJ District- Nawada

RANDHIR KUMAR @ MONIKA KUMAR S/o Pawan Kumar R/o Village-  
Lakhmohna, P.S.- Nemdarganj and District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr.Nilendu Kumar Choudhary, Adv. |
| For the Opposite Party/s | : | Mr.Nand Kishore Prasad, APP      |
| For the informant        | : | Mr.Manmohan Kumar, Adv.          |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      19-04-2025                      Heard learned counsel for the petitioner, learned  
A.P.P. for the State and the learned counsel appearing for the  
informant.

2. Petitioner seeks bail in connection with  
Nemdarganj P.S. Case No. 295 of 2024 registered for the  
offences punishable under Sections 308(3)/109 of the B.N.S.,  
2023 and section 27 of the Arms Act.

3. As per prosecution case, there is allegation of  
firing by unknown miscreant on the informant's grandfather  
while he was sleeping in the *varandah*, as a result of which he  
sustained injury.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has not committed any offence as  
alleged in the first information report. He has been falsely



implicated in this case merely because he is a co-villager. The name of the petitioner has been surfaced in this case upon the self-confessional statement taken by the police, which has no evidentiary value in the eye of law. Learned counsel further submits that injury report clearly indicates that injury was caused by hard and blunt substance and the allegations levelled in the F.I.R. is not supported by the injury report. In this way, the prosecution story is very much doubtful. He further submits that no firing material was found at the place of occurrence. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner has no criminal antecedent and he is in custody since 25.09.2024.

5. The learned A.P.P. for the State as well as the learned counsel for the informant vehemently opposes the prayer for bail of the petitioner. They submitted that there is recovery of arms from the petitioner and there is every chance that petitioner has made firing on the informant's grandfather, and on the said score, petitioner does not deserve to be granted bail.

6. Considering the facts and circumstances of the case, keeping in view of the clean antecedent, period of custody,



charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, the argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1<sup>st</sup> Class, Nawadah in connection with Nemdarganj P.S. Case No. 295 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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