

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7398 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- KHAGARIA District- Khagaria

Prem Kumar @ Prem Kumar Jha @ Pritam Jha Son of Amarnath Jha Resident
of Village - Mathurapur, P.S. - Muffasil, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Kumud Kishore, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Mr. Manoj Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 415 of 2024 instituted for the offences
under Sections 109, 61(2), 3(5), 103(1) of the BNS and Section
27 of the Arms Act.

3. As per prosecution case, three unknown accused
persons shot the son of the informant due to which he was
severely injured and later on, died.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner popped up for the first time during investigation in the form of statement made by the informant before the investigating officer. There is no eye-witness to the occurrence. Learned counsel further contended that the name of the petitioner has been taken by the informant at a very belated stage which shows that the aforesaid act of the informant is an afterthought with intention to falsely implicate the petitioner. Learned counsel further submitted that during investigation, no material has cropped up against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.12.2024 and has four criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that the petitioner along with other made indiscriminate firing upon the deceased as a result of which he died and therefore, he may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the petitioner in the entire case diary as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the



petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Khagaria P.S. Case No. 415 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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