

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11994 of 2025**

Arising Out of PS. Case No.-313 Year-2023 Thana- HUSSAINGANJ District- Siwan

Rishu Pandey @ Aditya Pandey @ Aditya Kumar Pandey Son of Munna Pandey @ Vidya Shankar Pandey @ Vidhashankar Pandey Resident Of Village -Dharmkhor, PS- Asaon, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

ORAL ORDER

3 08-08-2025 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Hussainganj P.S. Case No. 313 of 2023, instituted for the offences punishable under Sections 302, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, three unknown accused persons shot informant's husband who later on died in the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Rohit Yadav and the same has got no evidentiary value. It is next submitted that no specific allegation has been attributed against the petitioner, rather specific allegation of firing is against co-accused, namely, Prince Kumar. The petitioner is in custody since 19.10.2024 and has got seven criminal antecedents. Other co-accused has been granted bail by this Court vide order dated 14-07-2025, passed in Cr. Misc. No. 19401 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account 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. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hussainganj P.S. Case No. 313 of 2023,



subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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