

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15616 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

Bijali Paswan S/o Late Rajendra Paswan R/o vill - Kamaldah, P.S.- Paraiya,
Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. This is the first regular bail application of the petitioner seeking his regular bail in connection with Magadh University P.S. Case No. 142 of 2024 registered for the offence under Sections 103(1), 3(5), 61 of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. According to the case of prosecution, the informant Arun Gupta made a written complaint wherein it is alleged that on 01.07.2024 at about 07:30 pm., his son Shashi Kant Gupta @ Chhotu Gupta and one Pintu were going towards village Tika Bigha on a motorcycle, allegedly three unknown persons came there on motorcycle



and dispute was taken place between both the parties, at that time, one of the co-accused persons fired due to that Shashi Kant @ Chhotu died on the spot. On the basis of said report made by the informant, the offence has been registered and during course of investigation on the basis of mobile tower location of the present applicant, he has been arrested.

4. It is submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the present case only on the basis of his previous criminal history. According to the learned counsel, there is no any legal evidence available on record on the basis of which he can be implicated in the alleged crime in question. Further he submits that eye witness namely Pintu does not name any of the assailant, nor after arrest of the present petitioner, TIP has been conducted by the prosecution. He further submits that from the present applicant no arms which has been used by the assailant at the time of incident has been also seized, therefore, on these grounds, it is prayed that the petitioner may be granted benefit of regular bail.

5. Learned counsel for the State as well as



counsel appearing on behalf of the informant opposes the arguments raised by the counsel for the petitioner.

6. Heard.

7. Perused the case diary and other materials available on record.

8. On due consideration and after perusal of the case diary, it appears that except the mobile tower location of the applicant, no evidence has been collected by the prosecution against the present petitioner, looking to the above without further commenting any other merit, it is a case where the petitioner should be granted benefit of bail.

9. Accordingly, the application is allowed.

10. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya in connection with Magadh University P.S. Case No. 142 of 2024.

(Arvind Singh Chandel , J)

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