

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16309 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- SARAIYA District- Muzaffarpur

Rahul Kumar S/O Sudhir Jha R/O Vill.- Bahilwara Rupnath Ulari, P.S.-
Saraiya, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Saraiya
P.S. Case No. 326 of 2024 registered for the offences punishable
under Sections 352, 351(2) 351(3) and 109 of BNS and Section
27 of the Arms Act.

3. As per the FIR, the allegation against the petitioner
is that he fired from his pistol on the son of the informant
causing grievous injuries on his stomach and hand.

4. Learned counsel for the petitioner submits that the
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. The occurrence took place on 16.07.2024
but the FIR was instituted on 18.07.2024 without any valid



explanation for the delay. It has further been submitted that the son of the informant had received injury, if any, due to his own firearm and to save his skin from police action, the present false case has been lodged. The injury report shows one deep lacerated wound on the right forearm and one superficial lacerated wound at the right lumbar region. Both injuries are lacerated wounds, and the depth of none of the injuries is given and the doctor has opined the lumbar injury as simple and the hand injury as grievous. Lastly, it has been submitted that the petitioner has a clean antecedent and has been in custody since 16.11.2024.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and taking into account the clean antecedent of the petitioner as also the period of custody, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV (West) Muzaffarpur in connection with Saraiya P.S. Case No. 326 of 2024, subject to following conditions:-

a. One of the bailors of the petitioner shall be his close relative.



- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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