

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18532 of 2025

Arising Out of PS. Case No.-388 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Raja Kumar Sah @ Raja Sah Son of Late Jaganath Sah Resident of Village-
Shambhupatti, Ward No. 09, P.S.- Samastipur(M) @ Kalyanpur, Distt.-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr.Manish Kumar, learned counsel for the

petitioners and Mr.Anuj Kumar Shrivastava, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Samastipur (M) P.S.Case No.388 of 2024,FIR
dated 23.09.2024 registered for the offences punishable under
Sections 109, 115(2), 126(2), 3(5) of the B.N.S. and Sections
25(1-b)a, 26, 27, 35 of the Arms Act.

3. As per FIR allegation is that three miscreants came
on a motorcycle and one of them fired upon the informant with
country made pistol but bullet did not hit. Further allegation is
that informant caught one of the miscreants and during that
course miscreant again fired upon him which hit on left side of



head. Villager assembled there and caught one of the miscreants and informant informed the police and police came and informant handed over the motorcycle and country made pistol to the police. Apprehended accused disclosed his name as Muran Kumar. Informant suspected that his villager Prakash Kumar @ Sohran hired the miscreants to kill the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. From a bare perusal of the FIR it appears that due to previous dispute, co-accused person, namely, Prakash Kumar @ Sohran has attacked on the informant. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Shubham Kumar and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as



mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Shubham Kumar, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-II, Samastipur in connection with Samastipur (M) P.S.Case No.388 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.



(III) 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/her 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.

(Rajesh Kumar Verma, J)

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