

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22435 of 2025

Arising out of PS. Case No.-170 Year-2024 Thana- BANJARIA District- East Champaran

=====

Vinay Kumar @ Vinay Sah, S/o- Rajendra Sah Village- Chailaha Tal W.No-13, Ps- Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s: Mr. Rajiv Nayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Ban-jariya P.S. Case No. 170 of 2024 instituted for the offences un-der Sections 103(1) and 3(5) of Bhartiya Nyay Sanhita (BNS), 2023 and Section 27 of the Arms Act. He has no criminal an-tecedent.

3. The prosecution case is to the effect that the infor-mant namely Naresh Sahani has given his written report on 22.07.2024 alleging therein that his brother while taking gro-ceries had an argument with the shopkeeper and on account of which the named accused persons started assaulting the brother of the informant with lathi and danda and subsequently the co-accused Ajay Sah fired from his country-made pistol which hit



the brother of the informant causing his death.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and even from the FIR it would be evident that there is no specific allegation of assault upon the petitioner. It is further submitted by learned counsel for the petitioner that the deceased belong to a certain gang and it was on account of some dispute with some other persons the brother of the informant was done to death. It is lastly submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent and is in custody since 23.12,2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner was a member of the mob and one of the member of the mob namely Ajay Sah has fired upon the brother of the informant causing his death as such he should not be released on bail.

6. Considering the aforesaid submissions of respective counsel and taking into account the fact that there is no specific allegation of assault against the petitioner and the petitioner has clean antecedent and is in custody since 23.12.2024, the petitioner above named, is directed to 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 the learned Court of Mr. Devraj Tripathi, Sessions Judge, Bagaha, East Champaran, Motihari (or his successor) in connection with Banjariya P.S. Case No. 170 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 the same or in the name of verification.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

