

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22332 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- MEHSI District- East Champaran

Chhabilal Prasad Rai @ Chhabila Rai @ Chhabila Prasad Rai S/o Rajdeo Rai
@ RAj Deo Prasad Yadav R/o of Village- Pakari Varasat, P.S.- Sahebganj,
District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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

ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Mehshi
P.S. Case No. 137 of 2024, instituted for the offences punishable
under Sections 103(1), 3(5), 309(6) of the Bharatiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the petitioner
along with other co-accused persons were looting oil from a
truck near a line hotel and when one person protested, they shot
and killed that person.

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, Upendra Kumar and the same has got no evidentiary value. It is further submitted that no specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. The petitioner is in custody since 06.09.2024 and has got two criminal antecedents in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the FIR is registered against unknown but in paragraph no. 14 of the case diary which is confessional statement of co-accused, namely, Upendra Kumar where he confessed his guilt and stated about the involvement of the petitioner and other co-accused persons in this case. It is further submitted that regular bail of co-accused has been rejected by a Co-Ordinate Bench of this Court vide order dated 05.05.2025 passed in Cr. Misc. No. 26830 of 2025. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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