

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22067 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- Bijdhari District- East Champaran

Shashi Rai @ Shashi Bhushan Kumar Yadav S/o- Swarup Rai @ Ramswarup
Rai Village- Sundrapur Ps- Bijdhari Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Ray, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Abhishek Kumar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 29-08-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary called for in Cr. Misc. No. 3708 of
2025.

2. The petitioner seeks bail in connection with
Bijdhari P.S. Case No. 21 of 2024 instituted for the offences
under Sections 103(1)/3(5) of the Bhartiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. As per prosecution case, the husband of the
Informant was shot dead by the accused persons including the
petitioner in front of the Informant.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner was neither apprehended at the place of occurrence nor anything incriminating has been recovered from his possession. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is no eye-witness to the alleged occurrence and nobody has seen the petitioner killing the deceased. The postmortem report does not supports the prosecution case as multiple gunshot injury was not found on the body of the deceased. The petitioner has four criminal antecedents and is languishing in judicial custody since 12.11.2024 without any rhymes or reason. Learned counsel for the petitioner further submits that the co-accused namely Hasendra Yadav @ Hasindra Rai has already been granted bail by this Court vide order dated 07.04.2025 passed in Cr. Misc. No. 660 of 2025.

5. On the other hand, learned A.P.P. for the State



and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. There is specific allegation against the accused persons including the petitioner of firing upon the husband of the Informant. Learned counsel for the petitioner further submits that the witness Rajnish Kumar, who is alleged to be the eye-witness to the alleged occurrence, in para-13 of the case diary, supports the prosecution case. In Para-14, the witness Sakshi also supports the prosecution case. Postmortem report also corroborates the allegation made in the F.I.R. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the accused persons including the petitioner for offence under Sections 103(1)/61(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act. The petitioner has four criminal antecedents and is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature, the gravity of the offence as alleged against the petitioner and taking into account the materials



available in the case diary as also the petitioner having four criminal antecedents, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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