

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23496 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- GWALPARA District- Madhepura

Saroj Kumar Vishwas @ Saroj Vishwas S/o Jai Krishna Vishwas Resident of
village- Jairam Parsi, PS- Arar, OP Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s	:	Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Gwalpara P.S. Case No. 92 of 2024, registered for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, while the brother of the informant had been taking his meal sitting on *Machan*, three persons came there and fired upon him. Two co-accused persons were identified by the co-villagers as Ranjan Kumar and Ramchandra Vishwas, whereas third person had wrapped a towel around his face who could not be identified. Subsequently, during investigation, the name of the petitioner transpired as the



third assailant. The brother of the informant died in hospital during treatment after two days.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the own cousin of the informant and it is not believable that the informant would not have identified his own cousin. The petitioner has no enmity with the deceased and there was no reason for the petitioner to involve himself in such criminal activity. There is no eye witness and who might have been present at the spot who might have identified the petitioner. Learned counsel further submits that when the informant came to know that police has implicated the petitioner, he filed an application before the Court of learned Judicial Magistrate 1st Class that the petitioner have been wrongly implicated in the present case. Further nothing incriminating has been recovered from person or possession of this petitioner. Trial has commenced and charges have been framed. The petitioner is in custody since 11.12.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the name of the petitioner transpired during



investigation in confessional statement of co-accused Ramchandra Vishwas.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the uncertainty over the identification of the petitioner and further considering his relationship with the informant and also considering the period of custody and framing of charges, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Udakishunganj/concerned court, in connection with Gwalpara P.S. Case No. 92 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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 three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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