

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26039 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- KRISHNAGARH District- Bhojpur

Rajesh Sharma Vijay Sharma @ Vijay Kumar Sharma R/o Village- Rampur
Sanadia, P.S- Ara Mufassil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

3 30-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Krishnagarh P.S. Case No. 08 of 2025 instituted for the offence
under Sections 103(2), 61(2) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 25(1-b)a & 27 of the Arms Act.

3. Prosecution case, in short, is that the minor son of
the deceased reported that while his father was returning home
on a motorcycle, he was intercepted at Sohra Bandh by Mohan
Sharma, Sonu Sharma, Sanjay Sharma, and two unknown
persons. Sonu Sharma allegedly shot his father in the abdomen,
followed by gunfire from Mohan and Sanjay Sharma, causing
his death. The motive is said to be a dispute over the deceased's



opposition to illegal trade allegedly run by Mohan Sharma, a local Mukhiya.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19-02-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, namely, Sonu Sharma. There is no allegation of firing against the petitioner. The only material against the petitioner is that accused persons after committing offence threw arms in the campus of the petitioner, which was later recovered by the police. No case is made out against the petitioner under Section 103(2) of the BNS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is contended that arms was recovered from the house of the petitioner, but the same was thrown by accused persons, which is admitted in their confessional statement. Charge sheet has already been submitted in this case.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no role of the petitioner in the commission of the offence, manner of petitioner’s implication and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Krishnagarh P.S. Case No. 08 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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