

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25853 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- SARE District- Nalanda

Bhushan Kumar Son of Shyam Prasad @ Shyam Sunder Vill - Barhog PS
-Bind Distt- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate
Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP
Dr. Anjani Pd. Singh, Advocate
Mr.Sunny Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2025 Heard Mr. N.K. Agrawal, learned senior counsel

appearing on behalf of the petitioner and Mr. Ganesh Prasad

Singh, learned A.P.P. for the State duly assisted by Dr. Anjani Pd.

Singh, learned counsel appearing for the informant.

2. Petitioner seeks bail in connection with Sare P.S. Case

No. 126 of 2024 registered for the offences under Sections 103(1)

of the Bhartiya Nyay Sanhita, 2023 and section 25(9)/27 of the

Arms Act.

3. The petitioner is named accused in the First

Information Report and is in custody since 24.12.2024.

4. Allegation against the petitioner is to commit murder

of son of the informant during a marriage event.

5. It is submitted by Mr. N.K. Agrawal, learned senior



counsel appearing on behalf of the petitioner that even the facts of this case *prima facie* suggests that the death of son of the informant was caused due to celebratory firing made by the petitioner on the occasion of marriage, where the petitioner was also present as one of the invitee along with son of the informant.

6. It is pointed out by Mr. Agrawal that having so, it can be safely said that intention as to cause death was not there as to attract *prima facie* occurrence within the ambit of section 302 of the IPC/103 of the B.N.S.

7. It is submitted that none of the participants of the marriage event noticed that it was petitioner who fired upon the deceased son of the informant. While concluding argument, it is submitted by Mr. Agrawal that investigation of this case is already completed and as such, there is no chance of tampering with the evidence. Petitioner is a man of clean antecedent.

8. Learned A.P.P. for the State, duly assisted by Dr. Anjani Pd. Singh, learned counsel appearing for the informant, while opposing the prayer for bail of the petitioner, submitted that it is a case of planned murder due to previous enmity, where the event of marriage was selected to commit the murder of son of the informant, but fairly conceded that the informant is not an eye witness of the alleged occurrence.



9. In view of the aforesaid submissions as mentioned above and by taking note of the fact that as *prima facie* the firing, as alleged to be made by the petitioner, appears non-intentional being celebratory firing, coupled with the fact that petitioner remains in custody since 24.12.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Biharsharif, Nalanda, in connection with Sare P.S. Case No. 126 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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