

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25242 of 2025

Arising Out of PS. Case No.-588 Year-2023 Thana- NAGAR District- Vaishali

Vijay Rai, S/O Tika Rai R/O Vill.- Malipur, P.S.- Hajipur, Dist.- Vaishali.
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nagar
P.S. Case No. 588 of 2023 registered for the offence under
Sections 302, 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 20.09.2024.

4. As per the case of prosecution, the son of the
informant was killed by the petitioner and other co-accused
persons, who was drug addicted and from whom, under
conspiracy, the sale deed of one katha of land was got executed by
co-accused persons.

5. Mr. Ajay Kumar Thakur, learned Counsel appearing



on behalf of the petitioner submitted that except suspicion, nothing appears available against petitioner. It is pointed out that as petitioner alongwith main co-accused, namely, Loha Singh @ Sudhir Kumar and son of the informant alongwith other co-accused persons were found roaming in Scorpio, on the basis of said suspicion only, he was named with present case. It is fairly conceded by Mr. Thakur that the bail prayer of one of the co-accused, namely, Loha Singh @ Sudhir Kumar was rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 14777 of 2024 dated 12.03.2024 but the main consideration was there that the informant raised suspicion against co-accused Loha Singh @ Sudhir Kumar and his son Nishant Kumar and Raju Kumar, for which an informatory petition was filed by the informant under Section 39 of the Cr.P.C. before the learned C.J.M., Vaishali at Hajipur, through informatory petition no. 205/2023 on 24.05.2023 before the occurrence. It is submitted that the case of petitioner is on different footing as he was not named there and not any suspicion was raised against petitioner through said informatory petition. It is also pointed out that the case is under investigation for arrest of co-accused Nishant Kumar, who was named in informatory petition and the son of main co-accused Loha Singh. It is submitted that in view of same, as



suspicion not raised against this petitioner through informatory petition, the case of this petitioner may be treated differently to that of Loha Singh @ Sudhir Kumar and, therefore, the observation of learned trial court while rejecting the prayer of bail of this petitioner that the case of petitioner stands on similar footing to that of co-accused persons is factually incorrect. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner said to be involved in one more criminal case, arising out of civil dispute, where he is on bail.

6. Learned APP while opposing the prayer of bail submitted that the petitioner was found last seen with deceased son of the informant alongwith other co-accused persons.

7. Considering the aforesaid facts and circumstances and by taking note of fact as suspicion *qua* petitioner was not raised through informatory petition no. 205/2023 by the informant, rather same is specific against co-accused Loha Singh @ Sudhir Kumar, Nishant Kumar and Raju Kumar, coupled with the fact that investigation of this case is already completed *qua* involvement of petitioner, where petitioner is in custody since 20.09.2024, accordingly, petitioner above named, is directed to



be released on bail in connection with Nagar P.S. Case No. 588 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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