

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31552 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Md. Niyaj Son of Md. Naim Resident of Village - Bariarpur West, P.S.-
Khodawandpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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

ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Khodawandpur P.S. Case No. 19 of 2024, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 25(1-B)(a) and 27 of the Arms Act.

3. The prosecution case, in short, is that, the informant got information that his son has been killed by firearms and he was lying in an ensanguining state.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused and the same has got no evidentiary value. It is next submitted that no specific allegation has been attributed against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 18.05.2024 and has got five criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that co-accused has been granted bail by this Court vide order dated 20.12.2024 passed in Cr. Misc. No. 73636 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that name of the petitioner has surfaced in this case on the basis of confessional statement made by co-accused person but there is specific allegation of shooting on the back of informant's son against this petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.



7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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