

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26454 of 2025

Arising Out of PS. Case No.-331 Year-2024 Thana- BALIYA District- Begusarai

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Vijay Krishna @ Karul Kumar @ Karul S/o Shashi Bhushan Prasad Singh
R/o Village- Sadanpur, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-06-2025 Heard Mr. Ashok Kumar Jha, learned counsel for
the petitioner and Ms. Renu Kumari, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ballia P.S.Case No.331 of 2024, FIR dated 16.10.2024 registered for the offences punishable under Sections 109(1), 118(2), 3(5) of B.N.S., 2023 and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with others have fired upon the brother of the informant.

4. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the informant is not the eye-witness of the alleged occurrence although petitioner



is named in the FIR, but from a bare perusal of the FIR, it appears that there is no specific allegation of any assault, overt act or firing is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. Apart from that, the statement of the injured person was recorded in paragraph no.61 of the case diary, in which he has not stated the name of the petitioner. Although victim has received firearm injury, but there is no specific allegation against the petitioner.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits petitioner is named in the FIR. Apart from that, there is direct and specific allegation against the petitioner that he along with other accused persons have fired upon the brother of the informant. Apart from that, the petitioner has two criminal antecedents, but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and the fact that there is no specific allegation of assault, overt act or firing is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the injured person, in his statement, has not



named the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai, in connection with Ballia P.S.Case No.331 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/under Section 482(2) of the B.N.S.S., 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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