

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28861 of 2025

Arising Out of PS. Case No.-208 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Biksh Kumar @ Ballu @ Bikash Rai @ Bablu Kumar S/O Late Lalan Ray @
Kari Ray R/O Vill.- Narayan Peepar, P.S.- Kodawandpur, Chhaurahi O.P.,
Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Mrs. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khodawanpur (Chhaurahi O.P.) P.S. Case No. 208 of 2023
instituted for the offences under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, some unknown persons
killed the informant's brother.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of confessional statement of



co-accused. Learned counsel further submitted that as per the statement of co-accused Alok Kumar, co-accused Bambam Singh fired upon the deceased due to which he died on the spot. Learned counsel further submitted that during investigation, no cogent material has cropped up against the petitioner to show his involvement in the alleged occurrence except the confessional statement of the co-accused. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.01.2025 and has eleven criminal antecedents. The co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 21.05.2024 passed in Cr. Misc. No. 36438 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no direct allegation against this petitioner rather the direct allegation of firing upon the deceased being attributed to one Bambam Singh as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of



Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 208 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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