

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28586 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- Bijdhari District- East Champaran

Subodh Rai @ Subodh Rai S/o Late Bhagrith Rai @ Bagrita Ray @ Bhagrith Ray Resident of Village- Sundrapur, P.S.- Bijdhari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

For the Informant : Mr. Abhishek Kumar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-08-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant. Perused the case diary called for in Cr. Misc. No. 3708 of 2025.

2. The petitioner seeks bail in connection with Bijdhari P.S. Case No. 21 of 2024 instituted for the offences under Sections 103(1)/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the husband of the Informant was shot dead by the accused persons including the petitioner in front of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



merely on the basis of suspicion. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The postmortem report does not support the prosecution case as no multiple gunshot injury was found on the body of the deceased. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.09.2024 without any rhymes or reason. Learned counsel for the petitioner further submits that the co-accused namely Hasendra Yadav @ Hasindra Rai has already been granted bail by this Court vide order dated 07.04.2025 passed in Cr. Misc. No. 660 of 2025.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. There is specific allegation against the accused persons including the petitioner of firing upon the husband of the Informant. Learned counsel for the petitioner further submits that the witness Rajnish Kumar, who is alleged to be the eye-witness to the alleged occurrence, in para-13 of the case diary, supports the prosecution case. In Para-14, the witness Sakshi also supports the prosecution case.



Postmortem report also corroborates the allegation made in the F.I.R. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the accused persons including the petitioner for offence under Sections 103(1)/61(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as alleged against the petitioner as also taking into account the materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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