

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32179 of 2025**

Arising Out of PS. Case No.-865 Year-2024 Thana- FATUA District- Patna

Abhinab Raj S/o Arjun Kumar @ Arjun Yadav R/o Village- Buddhuchak,  
P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                          |
|----------------------|---|------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr. Vijay Anand, Advocate<br>Mr. Roop Kishan, Advocate |
| For the State        | : | Mr. Ram Naresh Ray, A.P.P                                                                |
| For the Informant    | : | Mr. Rahul Kumar, Advocate<br>Mr. Subhash Patel, Advocate                                 |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      19-09-2025                      Heard learned Senior counsel for the petitioner,  
  
learned APP for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with  
  
Fatuha P.S. Case No. 865 of 2024 lodged on 02.12.2024, for the  
  
offence punishable under Sections 103(1) & 3(5) of the  
  
Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms  
  
Act, pending in the Court of A.C.J.M.-II, Patna City.

3. As per the prosecution case, there are three named  
  
accused persons who have conspired and killed the brother of  
  
the informant.

4. Learned Senior counsel for the petitioner submits  
  
that present petitioner is innocent and has committed no offence.



Senior counsel submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail and petitioner is in custody since 03.12.2024. Senior counsel submits that as per the allegation, it become crystal clear that the informant is not the eye-witness, rather, he has filed this case by virtue of the statement of one Amit Kumar. He submits that the statement of said Amit Kumar present in the case diary and from the case diary, it become crystal clear that it is not the present petitioner, rather, some other person i.e. his brother has alleged to made fire due to which the victim died. Senior counsel further submits that the name of petitioner has been inserted in this case only due to this reason that the main allegation has been made on his elder brother. Senior counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him and shall appear on each and every date during trial.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is true that the informant has not seen that who fired, but the person who is the eye-witness has intimated to the informant that who fired and the eye-witness has narrated the presence of Abhishek Raj @ Tiger along with 3-4 persons including the present petitioner



and Sintu Kumar at the place of occurrence.

6. Learned APP for the State also opposes the prayer for bail of the petitioner and submits that in the rejection order, it has been acknowledged by the Sessions Judge that the petitioner was identified in the CCTV footage and he was present at the place of occurrence. Counsel further submits that regular bail application of one Sintu Kumar has been rejected by the Co-ordinate Bench of this Court *vide* order dated 30.04.2025 passed in Cr. Misc. No. 23938 of 2025.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

**(Dr. Anshuman, J)**

Divyansh/-

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