

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29661 of 2025**

Arising Out of PS. Case No.-420 Year-2024 Thana- DIGHA District- Patna

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Pintu Kumar S/o- Late Vinod Ray Village- Sultanpur P.S- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Anuj Kumar, Advocate        |
| For the Opposite Party/s | : | Mr. Shailendra Kumar Singh, APP |
| For the Informant        | : | Mr. Sunil Kumar Yadav, Advocate |

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

ORAL ORDER

4      24-07-2025                      Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Digha P.S. Case No. 420 of 2024, instituted for the offences punishable under Sections 61, 103, 109 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that the informant got an information that her *Bhaisur* and his driver were attacked by co-accused persons who opened fire upon them due to which informant's *Bhaisur* sustained gun shot injuries and the driver namely, Vikash Kumar died on spot.



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 second statement made by the injured who is brother-in-law of the informant. It is next submitted that the injured has not mentioned the name of the petitioner in his first statement. Firstly, the injured has levelled specific allegation against other co-accused person. It is submitted that there is factual contradiction in the earlier statement and the second statement of the injured. The petitioner is in custody since 05.10.2024 and has got seven criminal antecedents. Learned counsel for the petitioner further submits that co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 17.02.2025 passed in Cr. Misc. No. 82844 of 2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case and taking into account 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Digha P.S. Case No. 420 of 2024, 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.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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