

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32065 of 2025

Arising out of PS. Case No.-28 Year-2025 Thana- GAYA RAIL P.S. District- Gaya

Prince Kumar, S/o- Basant Prasad @ Basant Kumar, R/o Village- Bela P.S.-
Belaganj District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s: Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Gaya
Rail P.S. Case No. 28 of 2025 instituted for the offences under
Sections 109, 118, 3(5) of the BNS and Section 27 of the Arms
Act. He has no criminal antecedent.

3. The prosecution case is to the effect that the infor-
mant, while going on the road near Shiv Temple situated in
Chakan Railway Premises, three accused persons including the
petitioner is stated to have come on motorcycle at the place of
occurrence and among the said three persons one accused



namely Sonu Kumar is alleged to have fired upon the informant hitting him on his right shoulder.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that from the perusal of the FIR, the specific allegation is upon the co-accused Sonu Kumar to have fired upon the informant and no specific overt act has been alleged against the petitioner. It is also submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious possession of the petitioner who was not even apprehended at the place of occurrence. It is lastly submitted that the petitioner carries clean antecedent and is in custody since 04.02.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the specific allegation of firing is upon co-accused Sonu Kumar and the petitioner having no criminal antecedent and he is in custody since 04.02.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Gaya Rail P.S. Case No. 28 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 petitioner has concealed his criminal antecedent, 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 the same or in the name of



verification.

(Sourendra Pandey, J)

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