

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32046 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- BIHARIGANJ District- Madhepura

Rupesh Kumar S/O Gugul Sah @ Ghughul Sah R/O Village- Bihariganj,
Ward No. 7, P.S- Bihariganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with Bihariganj P.S. Case No. 317 of 2024, registered for the offences punishable under Sections 103(1), 351(3), 3(5), 61(2) of the BNS and 27 of Arms Act. Petitioner has three criminal antecedents.

3. As per the prosecution case, the informant has alleged that while his son was going on the motorcycle two named accused persons, namely Md. Babar and Md. Hasnain fired indiscriminately upon the son of the informant resulting in his death. The informant has categorically alleged that prior to the occurrence, the accused persons, namely, Md. Daud, Bibi Nasima Khatoon and Md. Salim had threatened earlier that they would kill his son.



4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name has surfaced in the confessional statement of one co-accused Gajendra Kamti who was in inimical terms with the family members of the petitioner. The learned counsel has stated that on mere perusal of the FIR, it is evident that there is specific allegation upon Md. Babar and Md. Hasnain who have open fired on the son of the informant. The learned counsel has also submitted that even if the confessional statement of the co-accused Gajendra Kamti is taken into account wherein he has not given any specific attribution to the petitioner of causing any injury to the deceased. It has lastly been submitted that though the petitioner has three criminal antecedents, out of which he is on bail in two cases and he is presently in custody since 01.02.2025 in the present case.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner's name has surfaced in the confessional statement of co-accused and he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account that there is specific



allegation of firing, on the son of the informant, upon co-accused Md. Babar and Md. Hasnain and nothing has come against the petitioner during the course of investigation apart from barring the confessional statement of one Gajendra Kamti, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned S.D.J.M., Udakishunganj at Madhepur, in connection with Bihariganj P.S. Case No. 317 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(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 cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned 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 or in the name of verification.

(Sourendra Pandey, J)

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