

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35041 of 2025**

Arising Out of PS. Case No.-306 Year-2024 Thana- SULTANGANJ District- Patna

Rajat Kumar Sharma @ Rajat Sharma @ Rajat Kumar S/o Nagendr Singh
Resident of New Mahavir colony P.S - Bahadurpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate
Mr. Anjani Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

3 11-07-2025 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences under Sections 103 and 3(5) of Bharatiya Nyaya
Sanhita and Section 27 of the Arms Act.

3. As per the prosecution case, the informant has
alleged that he received an information that his elder brother
was shot by some unknown miscreants. Subsequently, he went
to PMCH and saw the dead body of his brother, which was
laden with fire arm shots.



4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and his name has transpired after three months of the occurrence by means of an application given by the mother of the informant, who has stated that the petitioner was friend of the deceased and it was he, along with other friends, who were involved in the killing of the brother of the informant. Learned counsel next submits that the Police, even during the course of investigation, inquired and verified electronic evidence which included CCTV footage, however, nothing has come to connect the petitioner with the aforesaid occurrence. It has further been submitted that there has been no motive alleged as to why the petitioner could have killed the brother of the informant and even during the course of investigation, none of the independent witnesses have come forward and supported the case of the prosecution and it was on mere suspicion that the petitioner has been named in the present case. It has lastly been submitted that the petitioner has four criminal antecedent and in three of them, the petitioner is on bail, however, he has surrendered in one of them and is in custody since 12.12.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the name



of the petitioner has surfaced subsequently in the murder of the brother of the informant.

6. Considering the aforesaid facts and circumstances and taking into account that petitioner's name surfaced as an afterthought and also taking into account the period of custody, the petitioner above named be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Sultanganj P.S Case No.306 of 2024, subject to the conditions :-

(i) one of the bailors shall be the close relative of the petitioner

(ii) the petitioner shall remain physically present in the Court on each date of 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) 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/her 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



above mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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