

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36871 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Brijkishore Kumar @ Brij Kishore Kumar @ Chhotu Kumar S/o Gupteshwar
Sharma R/o Village- Newaras, P.S.- Kudra, District- Kaimur at Bhabua
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned APP for the State.

2. The petitioner has earlier moved before a Co-ordinate Bench of this Court with a prayer for anticipatory bail which was rejected vide order dated 23.01.2025 passed in Cr. Misc. No. 89390 of 2024.

3. The petitioner seeks bail in connection with Kudra P.S. case No. 65 of 2024 instituted for the offences under Sections 448, 307 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, at around 4.15 pm in the evening, the informant was at her home (in-laws' house) when suddenly her brother Brij Kishore Kumar came to her in-laws' house and asked to call her daughter. At that time, the informant was shocked and saw that her brother was hiding something.



Suddenly, informant's brother took out his weapon and shot the informant with an intention to kill. When the informant screamed, her brother ran away.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to ulterior motive. He further submits that the injury has not been caused on the vital portion of the body and, hence, Section 307 of the I.P.C. does not make out. He further submits that neither fire-arms nor anything incriminating has been recovered from the conscious possession of the petitioner or from his house. He further submits that the matter between the parties has been compromised and a compromise petitioner has also been filed in the court of learned Additional Chief Judicial Magistrate-II, Kaimur at Bhabua in Kudra P.S. Case No. 65 of 2024. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.03.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kudra P.S. case No. 65 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner.
- (ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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