

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40646 of 2025

Arising Out of PS. Case No.-216 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Balwant Singh S/o Munna Singh R/o Village- Barka Dumra, P.S.- Ara
Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

4 10-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 216 of 2023 instituted for the offences under Sections 302 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that informant's son was shot dead during *barat* procession.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of suspicion. Learned counsel further submitted that on the alleged date and time, two



marriage ceremony were going on and firecracker were also being cracked and it seems that in the celebratory firing, the bullet hit the deceased and due to the which the deceased died on the spot. There is no direct allegation against the petitioner. Learned counsel further submitted that, from perusal of the FIR it is evident that the firing may have been accidental and there seems to be no intention to kill the deceased. There is no eye-witness who had seen the deceased firing upon the deceased. Learned counsel further submitted that except suspicion, there is no material against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.01.2025 and has three criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that during course of investigation, witnesses have stated that this petitioner had made celebratory firing.

6. Considering the aforesaid facts and circumstances of the case as also 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. 15,000/- (Rupees Fifteen Thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Ara Muffasil P.S. Case No. 216 of 2023, 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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