

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37603 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Nagara District- Saran

Ajay Prasad @ Ajay Kumar Prasad, Late Parmeshwar Prasad, Resident Of
Village Rasulpur, Ps Nagra, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 39362 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Nagara District- Saran

Babita Kumari, Wife of Late Prasad Bijay Kumar Rakesh @ Pappu @ Bijay
Kumar, Resident of Village- Rasulpur, P.S.- Nagra, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37603 of 2025)

For the Petitioner/s : Mr. Ram Binod Singh, Adv.
For the State : Mr. Satyendra Narayan Singh, APP.
For the Informant : Mr. Praveen Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 39362 of 2025)

For the Petitioner/s : Mr. Ram Binod Singh, Adv.
For the State : Mr. Satyendra Narayan Singh, APP.
For the Informant : Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-09-2025 Heard Mr. Bindhyachal Singh, learned Senior

Advocate with Mr. Ram Binod Singh, learned Advocate for the

petitioners, the State is represented through Mr. Satyendra

Narayan Singh, learned Additional Public Prosecutor and Mr.

Praveen Kumar, learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection



with Nagra P.S. Case No. 32 of 2025, registered for the offences punishable under Sections 103(1), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. Based upon the written report the prosecution alleges that on 22.02.2025 at around 09:00pm while the son of the informant was talking on his phone just outside his house, in the meanwhile, co-accused Sanjay Kumar Prasad, Vinay Kumar and petitioner (Ajay Prasad @ Ajay Kumar Prasad) came on a motorcycle and co-accused Sanjay Kumar Prasad fired upon the son of the informant from his pistol, on which he fell down on the ground. The informant further disclosed the name of other accused persons with whom there was some previous enmity and asserted that they were also involved in executing the crime by conspiring with each other. The petitioner no. 2 is said to be a Panchayat Teacher and posted in Upgraded Middle School, Rasulpur, Nagra, Saran at Chapra as one of the conspirator.

4. Learned Senior Advocate taking this Court through the FIR primarily contended that though even as per the allegation levelled in the FIR it is specifically alleged that co-accused Sanjay Kumar Prasad was the person who shot fire upon the son of the informant. However, the narrations made in the FIR falls to the ground, when the investigation proceeded and the daughter of the informant and one Inder Kumar who were



said to be an eye witness to the occurrence and talking to the deceased, have stated that on the alleged date of occurrence, co-accused Sanjay Kumar Prasad was just standing nearby the house of the informant after parking his motorcycle. In the meanwhile, three unknown miscreants came on a motorcycle and all of them have made a talk with him and thereafter all the three miscreants again came to the place of occurrence and one of them shot fire, which proved fatal. The entire facts has also been corroborated from the CCTC footage. Learned Senior Advocate further contended that on the basis of these materials co-accused Sanjay Kumar Prasad was apprehended and his confessional statement was recorded by the police wherein he has disclosed the name of the petitioners and others as the conspirators. Save and except the confessional statement before the police, which is extra-judicial confession and not admissible, there is no material which remotely connect that the petitioners were even present and any way participated in crime. The entire prosecution case is based upon suspicion on account of previous enmity with other co-accused persons. The false implication of the petitioner no. 1 is writ large as the statement of the informant has not been corroborated by other eye-witnesses and the CCTV footage taken note of in paragraph nos. 11, 12 and 13 of the case diary. The petitioner no. 1 though is said to be facing



a criminal case, however it has been submitted that now the police has submitted final form and he has not been sent up for trial whereas, the petitioner no. 2 is a teacher and has been made an accused in the present case only on the basis of suspicion, besides having fair antecedent.

5. On the other hand, learned Advocate for the State and the learned Advocate for the informant vehemently opposed the pre-arrest bail application and submits that besides the allegation that the petitioner (Ajay Prasad @ Ajay Kumar Prasad) was one of the person who had come on a motorcycle with other two accused and one of them shot fire, during the course of investigation it has come that the petitioner no. 1 is one of the main conspirators and in any view of the matter, both the petitioners does not deserve anticipatory bail where a murder took place in a broad day light. The previous enmity clearly shows the motive.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the statement of the daughter of the informant as well as one Inder Kumar, who are said to be the eye witness to the occurrence, as also disclosure of the incident through the CCTV footage, which clearly speaks about the absence of the petitioners on the place of occurrence; further except the



confessional statement there are no other material collected, till date showing complicity of the petitioners in crime, the petitioner no. 2 being a lady, having clean antecedent, let both the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount **each** to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Nagra P.S. Case No. 32 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners and they shall make available in case their presence are required, during course of investigation.

(Harish Kumar, J)

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