

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38526 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- MAIRWAN District- Siwan

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Ajit Rajbhar S/o Rajesh Rajbhar R/o Village- Domdih, P.S.- Mairwa, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code and subsequently added under Section 302 and 27 of Arms.

3. As per the prosecution case, the informant has alleged that his younger brother, namely Kundan Singh was shot by some criminals and he was taken to Sadar Hospital, Siwan. It is further alleged that his brother disclosed that co-accused Vishal Tiwari shot at him and thereafter they had fled away.

4. Learned counsel for the petitioner submits that petitioner was initially not named in the FIR, however, his name was subsequently taken by the injured, namely, Kundan Singh,



however, there is no allegation of overt act alleged against the petitioner. It has been submitted that it was Vishal Tiwari who is said to have shot upon the said Kundan Singh. It is next submitted that even during the course of investigation, nothing specific has been alleged against the petitioner who is said to have been present at the place of occurrence along with Vishal Tiwari. It is lastly submitted that petitioner has clean antecedent and is in custody since 03.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions, 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 learned court below where the case is pending/successor court in connection Mairwa P.S. Case No. 171 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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