

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47881 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- CHAUTHAM District- Khagaria

Diwakar Singh Son of Late Rajendra Singh Resident of Village- Agrahan,
P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate
For the State : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Mohit Shriwastava, learned counsel for the
petitioner as well as Dr. Mrityunjaya Kr. Gautam, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chautham P.S. Case No. 90 of 2025, F.I.R. dated
10.04.2025 for the offences punishable under Sections 103(1),
61(2) of the BNS and 27 of the Arms Act.

3. According to prosecution case, three persons came
on motorcycle and started firing upon the husband of the
informant and when informant reached hospital, his husband was
pronounced dead.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated
in the present case. He further submits that the allegation as



alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the FIR itself that the informant has claimed herself as an eye-witness of the alleged occurrence and she has catagorically stated that the co-accused, namely, Ashish Kumar, Sonu Kumar and Ritish Kumar has fired upon the husband of the informant and informant has not stated anything whether the petitioner has fired upon the informant or assaulted him.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, there is no specific allegation of any assault or overt act or firing against the petitioner and the allegation of firing has been attributed against the co-accused person, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 90 of 2025/ G.R. No. 978 of 2025, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

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