

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49360 of 2025

Arising Out of PS. Case No.-211 Year-2025 Thana- MUFFASIL District- West Champaran

Birbal Kushwaha @ Birbal Prasad S/o Late Ramannad Kushwaha @
Ramanand Prasad R/o Village- Barwat Parsain, P.S.- Bettiah (Muffasil),
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv
For the Opposite Party/s : Mr.Umanath Mishra, APP
Mr. Sachida Nand Rai, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 109(1) and 61(2) of the Bharatiya Nyaya Sanhita and Section 27 of Arms Act.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a senior citizen aged about 62 years and is a retired Executive Engineer from ONGC and the informant alleges that he works as a property dealer hence was called for showing a piece of land for sale by a caller who called from Mobile No. 8809707417,



further when he reached the place of occurrence, two persons came on a motorcycle and fired causing fire-arm injury on his shoulder and chest, further he saw petitioner standing on one corner of land and a white *Scorpio* of Birbal was also parked on Areraj main road.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that one Jayant was arrested, who disclosed the name of the persons involved in the occurrence, but has not named the petitioner. It is next submitted that informant and petitioner were known to each other, as such it does not appear probable that petitioner would have been present at the place of occurrence when the occurrence took place as the informant would have identified him. It is also submitted that petitioner has remained a person with clean antecedent all throughout his life and had a blemishless service record as such it is submitted that for ulterior reasons the informant implicated the petitioner. It is next submitted that a specific pleading has been made at para-12, wherein it has been pleaded that informant is a serious offender of the district and his name is included at Sr. No. 68 in Letter No. 239 dated 3-5-2025 issued by the DIG, Champaran Range, Bettiah (Annexure-



2 to the anticipatory bail application).

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. The learned counsel appearing on behalf of the informant submits that during the course of investigation, one Niraj Kumar was arrested, whose confessional statement was recorded at para-105 of the case diary, wherein he has disclosed it was this petitioner who hatched the conspiracy for committing the occurrence of killing of the informant, on which learned counsel appearing on behalf of the petitioner submits that confession before police does not have any evidentiary value and the same has to be tested in the trial, it is also submitted that had the petitioner conspired in that event he would not have been present at the place of occurrence as alleged by the informant, it is submitted at the cost of repetition that Jayant was arrested who confessed to have shot the informant but then has not named the petitioner. It is next submitted that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah (Muffasil) P.S. Case No. 211 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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