

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48931 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- RAFIGANJ District- Aurangabad

Shushil Kumar @ Sushil Kumar S/o Baburam Chaudhary Resident of
Village- Malu Bigha, Hajipur Rafiganj, P.S.- Rafiganj, in the District-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Manoj Vatsal, Advocate
For the State	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Aman Vishal, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 12-12-2025 Heard Mr. Rama Kant Sharma, learned senior counsel
for the petitioner, learned APP for the State and learned counsel
for the informant.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 103 of the BNS and Section
27 of the Arms Act.

3. The allegation in the First Information Report is
that the brother of the informant had sustained a firearm injury
at the scene of the crime and upon being taken for treatment, he
disclosed that he had been shot by the petitioner and he later on
succumbed to the injuries.



4. Learned senior counsel appearing on behalf of the petitioner submits that as a matter of fact, there is no eyewitness to the incident and there is also a delay of one day in lodging the first information report. It is further submitted that the materials collected during the course of investigation indicate that in the game of gambling, in which the deceased was also a participant, some dispute had taken place on account of which a shot had been fired at him, but the said act was not done by this petitioner and the confessional statement of Rajesh Yadav recorded during the course of investigation would rather show that he has admitted this fact that it was he who had shot the fire, but at the order of the Petitioner. The Petitioner is in custody since 21.02.2025 with no criminal antecedent and on the contrary, it is the deceased who had criminal antecedents.

5. Learned APP for the State and learned counsel for the Informant oppose the prayer for bail on the ground that the trial has commenced and the witnesses are being examined.

6. Taking into consideration the facts and circumstances and also considering the fact that a report which has been received from the learned court in seisin of the matter has indicated that after framing of charges, the examination of witnesses has started and it has been stated that he would be



able to conclude the trial in 8 months time, in such view of the matter, I am not inclined to grant bail to the Petitioner for the present.

7. However, liberty is granted to the Petitioner to renew his prayer for bail upon completion of a period of 8 months in case the trial has not concluded.

(Soni Shrivastava, J)

Prakash/-

U			
---	--	--	--

