

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49410 of 2025

Arising Out of PS. Case No.-466 Year-2023 Thana- BELAGANJ District- Gaya

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Girdhar Kumar@Giridhar Kumar S/o Heera Singh Resident of vill- Magadh colony, P.s- Magadh Medical, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate Mr. Ravindra Kumar , Advocate
For the State	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Praweek Kumar, Advocate Mr. Ashutosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2025 Heard learned senior counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 307, 326, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act and later on, Section 302 of the Indian Penal Code was added.

3. Earlier, the petitioner moved before this Hon'ble Court for grant of anticipatory bail which was allowed vide order dated 05.03.2024 passed in Cr. Misc. No. 79886 of 2023. Thereafter, the informant moved before the Hon'ble Supreme



Court for cancellation of bail of the petitioner which was allowed vide order dated 05.05.2025 passed in Special Leave Petition (Criminal) No. 5132 of 2024 and the regular bail granted to the petitioner was cancelled and he surrendered before the learned trial court on 12.05.2025.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. Informant is not an eye witness to the alleged occurrence. Petitioner is only alleged to be a conspirator and there is no material on record to suggest that this petitioner had any meeting with the other accused persons or there was any agreement between them to commit the alleged offence. It is further submitted that during course of investigation, one month after the alleged incident, brother of the deceased, namely Ashutosh Kumar, in his re-statement has disclosed that the deceased, on phone call, named this petitioner as one of his assailant. The aforesaid fact was not revealed or mentioned either in the first information report or in his earlier statement before the police which was recorded on the same date of the occurrence. Failure or omission to mention this vital information casts a serious shadow on the subsequent attempt to implicate this petitioner. It raised a legitimate interference that



his name was introduced at a later stage, thereby, suggesting a possibility of false implication. This significant omission on the part of brother of the deceased strikes at the root of the prosecution narrative, undermines its credibility and constitutes material fact that must weight heavily in favour of the accused. It is next submitted that there is matrimonial dispute between brother of the deceased, namely Ashutosh Kumar and his wife, namely Sunita Kumari and a series of litigation are going on between them and this petitioner had mediated their matrimonial case i.e. Civil Lines P.S. Case No. 100 of 2022 lodged by Sunita Kumari, as he is known to both the parties and in retaliation, petitioner has falsely been implicated in this case. None of the witnesses has alleged to have seen this petitioner committing the alleged offence. As a matter of fact, the deceased was involved in illegal business of sand and might have been killed by the rivals. Petitioner is in custody since 12.05.2025, i.e. more than six months and till date, charges have not been framed against this petitioner.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific



accusation that he, along with other accused persons, in a planned conspiracy, committed murder of the deceased. During course of investigation, it has come the the deceased himself named this petitioner as one of his assailant.

6. Considering the rival submissions advanced on behalf of the parties, materials that have surfaced during course of investigation, fact that none of the witness have alleged to have seen this petitioner committing the offence, fact that till date, charges have not been framed against this petitioner which goes to show the slow and tardy progress and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 466 of 2023, with following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the learned trial court and shall remain physically present, as directed by the learned trial court and on his absence on two consecutive dates, without sufficient reason, his bail-bond shall be cancelled by the learned trial court.

(2) 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.”

(Prabhat Kumar Singh, J)

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