

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48563 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- KALYANPUR District- Samastipur

Bittu Kumar son of Pawan Sah Village- Partapur Ward no. 9, PS- kalyanpur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-11-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 128 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 3(5) of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, petitioner is said to have fired upon informant's son by means of pistol as a result of which he sustained injury on his right shoulder.

4. Learned counsel for the petitioner submits that though in para 4 of the instant petition it has been mentioned that petitioner is in custody since 20.04.2025 but learned counsel for the petitioner orally submits that



petitioner is in custody since 21.04.2025 and he bears no criminal antecedent. He further submits that the occurrence took place on 16.04.2025 and FIR was lodged on 20.04.2025 i.e. after delay of about three days. Petitioner is quite innocent and has committed no offence as alleged in the FIR. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that there is direct allegation of firing against the petitioner and the same is supported by the injury report of victim, as mentioned in para 68 of case diary.

6. In pursuance of the direction given by this Court, the learned trial court has sent its report vide letter no. 54 dated 01.11.2025 which reveals that trial is running on evidence.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with injury report, report of learned trial court as well as material available on record, I am not inclined to



grant bail to the petitioner. Accordingly, the prayer for bail
of the petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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