

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54629 of 2025

Arising Out of PS. Case No.-1038 Year-2024 Thana- GAYA MUFASIL District- Gaya

Jitendra Kumar @ Itwa, son of Late Baijnath Paswan, resident of Village-
Gandhi Nagar Manpur P.S.-Muffasil District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Kumar Dhirendra Pratap Singh, Advocate
		Mr. Diwanshu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner seeks bail in connection
with Muffasil P.S. Case No.1038 of 2024 registered for the
offences punishable under Sections 103(1) read with 3(5) of
Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well
sections 25(1-B) (a), 26, 35 and 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and
is in custody since 16.12.2024.

4. Allegation against the petitioner is to involve in
the occurrence, which took place on 24.11.2024 at about



9:00 P.M. at the petrol pump of the informant, where some of the miscreants after some altercation fired upon the nephew of the informant, causing his death. The petitioner alleged to fire in air while escaping from place of occurrence.

5. It is submitted by learned counsel appearing for the petitioner that the allegation of firing upon nephew of the informant is available against other co-accused persons and the maximum allegation, which can be gathered from the face of FIR is to fire in air while escaping from place of occurrence along with other co-accused persons. It is submitted that from the facial perusal of FIR, no overt act appears available against petitioner, which may suggest his active involvement with present occurrence and he appears to be implicated in present case out of local enmity for the reason that he found involved in four more criminal cases, where he is on bail. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Diwanshu



Kumar, learned counsel for the informant while opposing the prayer of bail submitted that the petitioner was actively involved in the occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* the allegation against petitioner is limited to open fire in air while escaping from place of occurrence, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 16.12.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Gaya in connection with Muffasil P.S. Case No.1038 of 2024 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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