

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53547 of 2025

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

Chhotu Kumar @ Bauna @ Chhotu kumar Bauna S/o Late Thakur Prasad R/o
Vill- Masjid Gali, Shivcharan Lane, Manpur, P.S.- Buniyadganj, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ritwik Thakur, Advocate Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Nagendra Prasad, APP
For the Informant	:	Mr.Kumar Dharendra Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-09-2025

Heard the parties.

2. The petitioner seeks bail in connection with Muffasil
P.S. Case No. 1038 of 2024 registered for the offence under
Sections 103(1), 3(5) of B.N.S. and Sections 25(1-B)a, 26, 35,
27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in
custody since 08.01.2025.

4. As per the FIR, 6-7 persons on three motorcycles
armed with fire arms opened fire, in which nephew of the
informant was killed. It is alleged that Kaushal Singh, Paltan
Singh @ Reyan Singh, Chocha @ Alok Singh, Sanjay Manjhi,
Vishal @ Kala and Jitendra Kumar @ Itwa were involved in



firing leading death of Anish Kumar, nephew of informant.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case and his name transpired during investigation out of re-statement of informant where it has been stated that this petitioner was present along with named persons during occurrence. It is submitted that reasons for not naming this petitioner despite of knowledge a general plea of mistake was taken by the informant. It is pointed out that no overt act appears to attributed to petitioner. The allegation of firing which caused death of nephew is specific against other named accused persons. It is submitted that a co-accused namely Vikash Kumar was granted bail by one of the Learned Co-ordinate Bench of this Court through Cr. Misc. No. 38572 of 2025 vide order dated 03.09.2025 and therefore as a matter of judicial parity, this petitioner also deserves bail. While concluding the argument, it is submitted that petitioner found involved in eight more criminal cases where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP as well as learned counsel for the informant submitted that the petitioner was found actively involved during the occurrence and he opened fire in the air.

7. In view of aforesaid facts and submissions and by taking note of fact that as the allegations of fatal firing *prima facie* not appears available against the petitioner, moreover his name transpired during recording of re-statement of the informant, who claimed himself to be an eye-witness of the occurrence suggesting *prima facie* an afterthought, coupled with fact that charge-sheet has already submitted, where petitioner is in custody since 08.01.2025, accordingly petitioner above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 1038/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of B.N.S.S.

(Chandra Shekhar Jha, J)

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