

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53163 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

1. Ajay Kumar @ Azad, S/o Arvind Singh, R/o Village-Nayagaon, P.S.- Nayagaon, Distt.- Begusarai.
2. Santosh Kumar, S/o Upendra Singh, R/o Village-Nayagaon, P.S.- Nayagaon, Distt.- Begusarai.
3. Kaju Kumar Choudhary @ Kaju Kumar @ Kajo, S/o Fulchan Choudhary @ Fulena Choudhary, R/o Village-Hemarpur, P.S.-Nayagaon, Distt.- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Senior Advocate Mr. Pushpendra Kumar Singh, Advocate Mr. Satish Kumar, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-10-2025 Heard learned senior counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.The accused/petitioners seek bail in connection with Begusarai Town P.S. Case No.163 of 2025 registered for the offences punishable under Sections 103, 61(2) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Section 27 of the Arms Act.



3. The accused/petitioners are not named in the FIR and are in custody since 25.04.2025.

4. As per FIR, some unknown miscreants committed murder of one Ajit Mahto, a nearby resident of clinic of Dr. Prabhakar Thakur.

5. Mr. P.N. Shahi, learned senior counsel appearing for petitioners submitted that the petitioners are not named in the FIR. They were implicated through confessional statement of co-accused namely, Bhola Mahto. It is submitted that even as per confession, the allegation to cause fatal firearm injury is specifically available against co-accused Prashant and Shivam. Mr. Shahi further submitted that despite of claim of informant that he could identify the staffs and assailant, no T.I.P. was conducted and, therefore, the charge-sheet against these petitioners was submitted purely on the basis of suspicion arising out of confessional statement of co-accused person. While concluding argument, it is submitted that as 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. Explaining criminal antecedent of the petitioners, it is submitted that petitioner no. 1 found involved in two more criminal cases, where he is on bail, whereas petitioner no.2 has got clean antecedent and petitioner no. 3 found involved in two more criminal cases, where he is on bail.

6. Learned APP while opposing the prayer of bail of petitioners submitted that petitioners have actively participated during the occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused, *prima facie*, nothing incriminating appears against petitioners as to connect them with present occurrence of murder, coupled with the fact that investigation of this case is already completed, where petitioners remain in custody since 25.04.2025, accordingly, all above-named three petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No.163 of 2025, 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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