

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59015 of 2025**

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

Karu Singh @ Jitenesh Kumar @ Jitesh Kumar Son of Satendra Singh @
Mahendra Singh Resident Of Village- Chhotki Delha, P.S.- Delha, Dist -Gaya.
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47320 of 2025

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

Vishal Kumar @ Kala S/o- Pappu Mehta @ Fatta R/o Village- Pudina
Khetkurmi Tola Ps- Buniyadganj Dist- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59015 of 2025)

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

For the Informant : Mr. Kumar Dharendra Pratap Singh, Advocate
Mr. Diwanshu Kumari, Advocate

(In CRIMINAL MISCELLANEOUS No. 47320 of 2025)

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

For the Informant : Mr. Kumar Dharendra Pratap Singh, Advocate
Mr. Diwanshu Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 14-10-2025

Cr. Misc. No. 59015 of 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 Gaya Muffasil P.S. Case No.1038 of
2024 registered for the offences punishable under
Sections 103(1) and 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 30.11.2024.

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 eight more criminal cases. 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 30.11.2024, 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 Additional Sessions Judge-XII, Gaya, in connection with Gaya 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').

Cr. Misc. No. 47320 of 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 Gaya Muffasil P.S. Case No.1038 of 2024 registered for the offences punishable under Sections 103(1) and 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 around 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 was named with occurrence as one of the assailant, who fired upon the deceased nephew of the informant, leading to his death.

5. It is submitted by learned counsel appearing for the petitioner that the allegation of firing is also available against two accused persons and, therefore, it can be gathered safely that the same is



very much general and omnibus. It is pointed out that no motive appears assigned to the present occurrence and, moreover, 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 antecedents of the petitioner, it is pointed out that the petitioner found involved in nine more criminal cases, where he is on bail.

6. Learned APP duly assisted by Mr. Diwanshu Kumar, learned counsel for the informant while opposing the prayer of bail submitted that the allegation of firing is specifically available against this petitioner. It is submitted that the informant is the *eye-witness* of the occurrence, who categorically stated that two named co-accused alongwith this petitioner fired upon the informant from his back, leading to his death and same also appears corroborated from *post-mortem* report as three entry gun shot wound found upon the deceased nephew of the informant.

7. In view of aforesaid factual submissions and by taking note of fact as the informant being an *eye-witness* of the occurrence stated categorically that this petitioner caused fatal firearm injury to deceased



nephew of the informant, which also appears corroborating with *post-mortem* report of the deceased, accordingly, the prayer of bail of the petitioner stands rejected for the present.

(Chandra Shekhar Jha, J)

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