

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62059 of 2025

Arising Out of PS. Case No.-469 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

Rajiv Mali Son of Late Jitendra Bhagat @ Late Jitendra Prasad Resident of Village - Dighi Kala Purvi, Mali Tola, Police Station - Sadar Hajipur, District - Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sadar Hajipur P.S. Case No. 469 of 2025 registered for the alleged offences under Sections 109(1), 132, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)(a), 26, 27, 35 of the Arms Act.

03. As per prosecution case, police went to the house of the petitioner to arrest him as he was accused of Sadar Hajipur P.S. Case No. 468 of 2025, but he was not found in his house. Police further received information about petitioner and three other persons who had been trying to escape. The said place was surrounded and when the police party asked the miscreants



to surrender, they opened fire on police party. In retaliatory fire, this petitioner received injury in his right leg and from his possession, recovery of one semi-automatic country made pistol with empty magazine and five live cartridges were made apart from mobile phone. From another co-accused, Pramod Kumar, a country made *katta* was recovered.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was arrested from his house and no occurrence as alleged in the FIR has ever taken place. This fact was captured by CCTV in front of the house of the petitioner, but the hard drive of the said CCTV footage was taken away by the police party. Learned counsel further submits that similarly placed co-accused, Pramod Kumar, has been granted bail by a Co-ordinate Bench vide order dated 01.09.2025 passed in Criminal Misc. No. 59734 of 2025. The petitioner is in custody since 16.06.2025. The petitioner is having antecedent of eight cases and he is bail in all such cases except one case.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



grant of bail to similarly placed co-accused and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar Hajipur P.S. Case No. 469 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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