

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61884 of 2025

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

Shivam Kumar Son of Naveen Singh R/o Village - Bihat Tola Gurudaspur,
P.S., F.C.I., Dist. - Begusarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Town P.S.

Case No. 163/2025, registered for the offence under Sections
103, 61(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and

Section 27 of the Arms Act.

3. The accused/petitioner is not named in the F.I.R. and

is in custody since 07.05.2025.

4. As per FIR, some miscreants committed murder of

one Ajit Mahto, a nearby resident of clinic of Dr. Prabhakar

Thakur.

5. Ms. Vaishnavi Singh, learned counsel appearing on

behalf of the petitioner submitted that the petitioner was not

initially named with FIR and his name transpired during course of



investigation as one Bhola Mahto claimed himself eye-witness and stated that petitioner was amongst two persons who opened fire upon the deceased husband of the informant. It is submitted that witness stated so claiming to be an eye-witness of the occurrence naming this petitioner for the reasons that he was implicated with Town P.S. Case No. 162/2025 just for the occurrence of 18.04.2025, for which the FIR was lodged on 19.04.2025 at about 10:00 AM and immediately after the occurrence, police took him in custody, therefore, admittedly as Bhola Mahto was in police custody, therefore, there is no occasion to be an eye-witness of the occurrence naming this petitioner to open fire upon deceased husband of the informant as stated during investigation while recording his statement under Section 161 of Cr.P.C. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Explaining criminal antecedents, it is submitted that petitioner found involved in seven more criminal cases, where he is on bail and in maximum of cases his name transpired on the basis of suspicion or out of enmity, as of present case.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions as



name of this petitioner transpired only on the basis of statement of one Bhola Mahto during investigation, who *prima facie* appears in police custody at the day and time of occurrence as submitted aforesaid, creating a *prima facie* doubt *qua* his claim being an eye-witness of the occurrence, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 07.05.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Town P.S. Case No. 163/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VII, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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