

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61425 of 2025

Arising Out of PS. Case No.-399 Year-2024 Thana- BELDOUR District- Khagaria

Nanka @ Vijay Kumar Son of Deo Sharan yadav Resident at Village-
Pirnagera, P.S-Beldaur, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Supplementary Beldaur P.S. Case No. 399 of 2024 instituted for
the offence under Sections 132, 109 & 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and Sections 25(1-b)a, 26, 27 & 35 of the
Arms Act.

3. On 17.11.2024, acting on STF Patna's input about
criminals gathered at Pirnagara village, police reached Puraini
Bahiyar where the criminals opened fire, prompting retaliatory
firing. One accused, Nirmal Kumar, was arrested with a
Vindoliya, a country-made pistol, cartridges, a mobile phone,
and three motorcycles. The other accused, Prince Kumar,



Gautam Kumar, Badal Kumar, petitioner and another, managed to escape.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-03-2025. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Nirmal Kumar. Nothing has been recovered from the conscious possession of the petitioner. There is no specific allegation against the petitioner. No one sustained the injury in the occurrence. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 06-08-2025, passed in Cr. Misc. No. 21365 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and claim based on parity, this Court is



inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Supplementary Beldaur P.S. Case No. 399 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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