

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63247 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- RAJAPAKAR District- Vaishali

Prince Kumar S/O Late Amod Rai R/O Village- Senduari, P.S.- Hajipur Sadar,
District- Vaishali. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-10-2025 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Rajapakar
P.S. Case No. 105/2025, registered for the offence under Sections
109, 3(5) of Bhartiya Sakshya Adhiniyam (BNS) and Section 27 of
the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 25.03.2025.

4. The allegation against the petitioner is to cause gun
shot injury on the neck of the informant due to which he became
unconscious on spot itself. The occurrence took place on
20.03.2025 at about 8:00 PM while informant was in his clinic.

5. Learned counsel appearing on behalf of the petitioner
submitted that the petitioner implicated falsely with present case



due to his criminal antecedents, as he found involved in 13 more criminal cases, where he is on bail. It is apparent from the search and seizure memo that the alleged empty cartridge was seized by police on 19.03.2025 itself at about 8:15, whereas the FIR in issue was lodged on 20.03.2025, even the information to concerned police station was received on 20.03.2025 at about 9:40, therefore, making any seizure out of present occurrence before 24 hours, creating a serious doubt *qua* occurrence. It is submitted that if merit of the case otherwise convincing, merely on the basis of criminal antecedent, the bail of the petitioner ordinarily should not be denied and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. While concluding 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.

6. Learned APP duly assisted by learned counsel Mr. Anil Kumar, appearing on behalf of the informant while opposing the prayer of bail submitted that the specific allegation to cause gun shot injury is available against this petitioner, however, they



could not disputed the discrepancies as submitted aforesaid by learned counsel appearing for the petitioner *qua* seizure list of empty cartridge.

7. Considering the aforesaid factual submissions and by taking note of fact as seizure of empty cartridge much prior to the occurrence *prima facie* creating a doubt *qua* involvement of petitioner with crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 25.03.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Rajapakar P.S. Case No. 105/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IX, Vaishali at Hajipur/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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