

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68720 of 2025

Arising Out of PS. Case No.-783 Year-2024 Thana- DIGHA District- Patna

Sanjiv Kumar S/O Prem Prasad Singh @ Prem Singh Resident of Naya Panapur, Naw Diary, P.S.- Akilpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S.T. No. 1317 of 2025 arising out of Digha P.S. Case No. 783 of 2024 instituted for the offence under Sections 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per the FIR, on 27.10.2024 at about 6 PM, informant was sitting at Pintu Kumar's shop near the government school when an auto with five boys arrived. One of them fired at him, causing bullet injuries on his chest and hand while others kept chasing and firing. The informant managed to escape and identified co-accused Vikki Rai @ Vikki Sarkar among the assailants.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.02.2025. Petitioner bears four 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, Vikki Kumar and the same has no evidentiary value in the eye of law. Petitioner was not even put on T.I. Parade. Nothing has been recovered from the conscious possession of the petitioner. Charges have been framed in this case. There is no compliance of Section 103 of the BNSS, 2023.

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, there being no specific allegation against the petitioner and petitioner being not identified in the T.I. Parade 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 S.T. No. 1317 of 2025 arising out of Digha P.S. Case No. 783 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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