

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70580 of 2025**

Arising Out of PS. Case No.-23 Year-2025 Thana- BRAHMPUR District- Buxar

Shashi Ojha @ Palan Ojha Son of Bharat Ojha Resident of Village - Nimej,
P.S.- Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwanand Upadhyay

For the Opposite Party/s : Mr.Arun Kumar Pandey

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 17-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 126(2), 127(2), 115(2), 109(1),
3(5) of the B.N.S.

3. The allegation in the first information report is that
Raushan Kumar Ojha and the petitioner had taken along with them
the deceased Shankar Yadav on their motorcycle and subsequently
he was found in an injured condition in the bushes.

4. Learned counsel for the petitioner submits that from a
bare perusal of the first information report, it would only appear
that the petitioner and one Raushan were last seen in the company
of the deceased which was in the evening of 13.02.2025 and the
victim was found in an injured condition on the next morning near



the river who was brought to the PMCH where he succumbed to the injuries during treatment. It has further been pointed out that for the occurrence which took place on 13.02.2025, the FIR was also lodged belatedly on 15.02.2025 and till that time the injured was not dead and the death of the deceased took place much later on 18.02.2025, however, in the meantime no statement of the deceased was recorded and Section 103(1) of the B.N.S. was added only on 24.02.2025. Learned counsel has further submitted that there is no motive shown as to why the petitioner would cause the death of the deceased. Further more, the petitioner is in custody since 20.02.2025 with no criminal antecedent and the charges have already been framed.

5. Learned APP for the State has opposed the application for bail to the petitioner on the grounds mentioned in the first information report.

6. Taking into consideration the facts and circumstances and also considering that there is no eye witness to this case and the allegations against the petitioner rests on the basis of last seen theory, coupled with the fact that the petitioner has remained in custody since 20.02.2025 with no criminal antecedent and charges having been framed, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Brahmpur
P.S. Case No. 23 of 2025.

(Soni Shrivastava, J)

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