

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75470 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- SAHAR District- Bhojpur

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Parmatma Roy @ Parmatma Rai, S/o Late Shailesh Rai, R/o Village- Perhap,
P.S.- Sahar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Suraj Narain Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-11-2025 This is the second attempt of the petitioner for grant
of regular bail.

2. Heard the learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

3. Petitioner, who is in custody, seeks bail in
connection with Sahar P.S. Case No. 78 of 2024 registered for
the offences punishable under Sections 147, 148, 149, 307, 302,
448, 201, 447 of the Indian Penal Code and Sections 25(1-
B)a/26/27/35 of the Arms Act, 1959.

4. As per the prosecution case, the informant Kamlesh
Rai has stated that while he and his son were sitting at the
Dalan, the FIR named accused persons including the petitioner
along with other miscreants entered into the house and started



indiscriminate firing. It is further alleged that Priyanshu Kumar, Deepak Rai and Sonu Kumar first started indiscriminate firing with pistol upon which the son of the informant fell down and thereafter the other co-accused persons including the petitioner along with other 3-4 unknown persons started indiscriminate firing. It is further alleged that accused persons thereafter fled away firing in the air.

5. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated as an afterthought because despite the seizure, inquest and postmortem are prepared on the same day the statement was recorded on the other day, wherein 16 named accused persons are alleged to have participated in the incident. It is further submitted that there is an admitted land dispute between the informant and the other co-accused persons, who were the coparcener, however, the present petitioner has nothing to do with the dispute with regard to the partition. It has further been submitted that no incriminating material has been recovered from the possession of the petitioner and it has been specifically stated in the FIR itself that the arms have been recovered from the Dalan of the informant, which has been kept by Priyanshu.

6. It has thus been submitted that the petitioner cannot



be singled out where admittedly the allegation is of general and omnibus nature and there were three bullet injuries found upon the deceased, which were initially attributed to Priyanshu Kumar, Deepak Rai and Sonu Kumar. It has lastly been submitted that the petitioner is in custody since 31.05.2024 and carries two criminal cases against his name. It has also been submitted that co-accused Deepak Kumar has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 20835 of 2025 vide order dated 04.07.2025.

7. The learned counsel for the informant and A.P.P. has vehemently opposed the prayer for bail. It has been submitted that there is a specific allegation upon the petitioner to have fired upon the son of the informant along with other named accused persons. It has also been submitted that the deceased had received three bullet injuries and the petitioner is one of the persons who were carrying a firearm. It has also been submitted that the petitioner is also an accused in the case in which the informant of the present case was shot dead.

8. At this stage, learned counsel for the petitioner submits that the petitioner has been enlarged on bail in the said case by this Hon'ble Court.

9. Considering the aforesaid submissions made by the



respective parties and taking account the fact that the petitioner is in custody since 31.05.2025 and also the fact that the case has been committed on 11.11.2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (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 Sahar P.S. Case No. 78 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in



terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the prayer for bail is allowed.

11. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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