

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79118 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- NEORA District- Patna

Chhotu Kumar @ Chhotak Rai @ Jitendra Kumar @ Jitendra Rai Son of Late
Rajendra Rai @ Rajendra Prasad R/o Village - Ghurghur Tola, P.S. - Neora,
Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Neora P.S. Case No. 74 of 2025 dated 02.05.2025 registered
for the offence punishable under Section 109 of the
Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms
Act.

3. The prosecution case, in short, is that during the
marriage ceremony of sister of the informant when *Samdhi*
Milan was going on, at that time unknown person made
firing due to which father-in-law of the informant sustained
bullet injury in his both legs below knee and he became



injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged against unknown persons. Only on the basis of statement of Wakil Kumar recorded under Section 180 of the B.N.S.S., which is mentioned in paragraph no. 5 of the case diary, who disclosed the name of the petitioner, the petitioner has been made accused in this case. It is further submitted that the injured Bachu Prasad Yadav was also examined by the I.O., but he did not disclose the name of the petitioner. The injured was examined by the doctor, who found the following injuries: (1) right leg entry wound of size 1 cm x 0.5 cm x 0.2 cm anterly, Exit wound of size 2 cm x 0.5 cm x 0.5 cm latterly and (2) left leg by entry wound of size 1 cm x 0.3 x 0.2 em anterly. The said injury was caused due to gun shot. It is also submitted that the petitioner was apprehended and a country made pistol with two live cartridges was recovered from his newly constructed house for which a separate case was lodged bearing Neora P.S. Case No. 97 of 2025 under Section 25(1-b)a, 25 and 35 of



the Arms Act in which the petitioner has been granted bail by the lower court itself on 15.10.2025. Lastly, it has been submitted that the petitioner is in custody since 12.06.2025, having two criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Danapur, Patna in connection with Neora P.S. Case No. 74 of 2025, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that



he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in the trial court.

(Khatim Reza, J)

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