

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84408 of 2024**

Arising Out of PS. Case No.-35 Year-2024 Thana- VAINI District- Samastipur

Babloo Kumar @ Bablu Kumar S/O Banshi Prasad Singh @ Banshi Prasad Singh R/O Ward No.6, Fatehpur Wala, P.S. Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Waini P.S. Case No. 35 of 2024 instituted for the offences under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, when the Informant and his mother were going to *Haat* on motorcycle to sell vegetable, they were waylaid by five motorcycle borne culprits. It is alleged that one of the culprits namely Rohit Ranjan Kumar fired gun shot but, no one sustained any gun-shot injury as the same hit the tank of the motorcycle.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and his name has transpired in this case during investigation on the basis of the confessional statement of the co-accused Rohit Ranjan Kumar. The petitioner has not been put up in the T.I.P. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing is against the co-accused Rohit Ranjan Kumar and none of the other unidentified persons are said to be involved in the alleged firing. He further submits that the petitioner was arrested by the police and his confessional statement was recorded and took his signature on the same which has no evidentiary value in the eye of law. The petitioner has seven criminal antecedents but, in all of them, he is on bail and is languishing in judicial custody since 12.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of



bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has seven criminal antecedents. The I.O. has filed charge-sheet against the petitioner under Sections 126(2), 115(2), 109(1), 352, 351(2), 324(4)(5) and 3(5) of the B.N.S. and Section 27 of the Arms Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the period of custody of the petitioner as also there being no specific allegation of any overt act against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Waini P.S. Case No. 35 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(Rudra Prakash Mishra, J)

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