

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84537 of 2024**

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

Bhola Kumar Son of Sahdev Singh Resident Of Ward No.-6, Baghi, P.S  
-Karpoorigram, District-Samastipur, Bihar 848130

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                   |
|--------------------------|---|-----------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Keshav Bhardwaj, Adv.<br>Mr. Yash Sahay, Adv.<br>Mr. Nikhil Kr. Agrawal, Adv. |
| For the Opposite Party/s | : | Mr. Shyam Kumar Singh, 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. 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. The petitioner has six criminal antecedents 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 has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. 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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