

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87634 of 2024

Arising Out of PS. Case No.-451 Year-2024 Thana- MASHRAK District- Saran

=====

Aman Kumar Son of Chandeshwar Chaudhary Resident of Village - Vijdhari
Nijamad, P.S. - Keshariya Vijdhari O.P., District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar Srivastava, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Mashrak P.S. Case No. 451 of 2024 instituted for the offences
under Sections 309(5) and 109(1) of the Bhartiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the
three unknown miscreants is of firing upon the Informant due to
which he sustained fire-arm injury in his abdomen.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and his name has



transpired in this case on the basis of the statements of the *Chaukidar* and, except this, there is nothing against the petitioner. There is no eye-witness to the alleged occurrence. The petitioner was not present at the place of occurrence and has been arrested from his house whereafter the police recorded his confessional statement which has no evidentiary value in the eye of law. The petitioner has four criminal antecedents and is languishing in judicial custody since 09.08.2024 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 petitioner in his confessional statement contained in Para 50 of the case diary has confessed his guilt of firing upon the Informant and, thus, there is specific and direct allegation of firing against the petitioner. Learned counsel for the State further submits that from Para-53 of the case diary, it appears that the injured Chandan Yadav has died and the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 309(5)/109(1)/103/3(5) of the B.N.S. and Section 27 of the Arms Act. The petitioner has four criminal antecedents and,



hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being direct allegation of firing against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

