

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79652 of 2025

Arising Out of PS. Case No.-783 Year-2024 Thana- DIGHA District- Patna

Deepak Rai @ Deepak Kumar @ Indrajeet Rai Son of Jainath Rai @ Jainath Ray Resident Of Sarkari School Gali, Ramjichak Digha, Ps- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Digha P.S. Case No. 783 of 2024, instituted for the offences punishable under Sections 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant was sitting at Pintu Kumar's shop near the government school when an auto with five boys arrived. One of them fired at him, causing bullet injuries on his chest and hand while others kept chasing and firing. The informant managed to escape and identified co-accused Vikki Rai @ Vikki Sarkar among the assailants. The informant also raised suspicion that the cause of



the present incident was prior enmity with the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is not specific rather the same is general and omnibus in nature. It is next submitted that specific allegation of firing is against co-accused Vicky Rai. No any recovery of firearm has been made from the possession of the petitioner. The petitioner is in custody since 02.04.2025 and has got six criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 25.09.2025 passed in Cr. Misc. No. 68720 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that as per FIR there is specific allegation against the petitioner and the petitioner has got six criminal antecedents. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Digha P.S. Case No. 783 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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