

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3862 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- DERNI BAZAR District- Saran

Vishal Kumar Son of Surendra Ray Resident of Village- Pojhi, P.S.- Derni,
District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Brij Kishor Mishra, learned counsel for
the petitioner as well as Mr. Nitya Nand Tiwary, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.10.2025 in connection with Derni P.S. Case No. 245 of 2025,
F.I.R. dated 21.10.2025 for the offences punishable under
Sections 103(1), 61(2), 3(5) of the Bharatiya Nyay Sanhita,
2023 and Section 27 of Arms Act.

3. According to prosecution case, the informant
alleged that when the his brother, who was doing labourer work
went with his two friends to Derni Devi Sthan and started
distributing earned remuneration, in that course, quarrel took
place between three of them. It is further alleged that one of the
co-accused person fired upon informant's brother due to which



he sustained injury and later died during treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the FIR and his name transpired on the basis of confessional statement of co-accused, namely, Ranjeet Kumar which is recorded in paragraph-11 of the case diary and the said Ranjeet Kumar has confessed his guilt and stated that he has fired upon the deceased (Munchun Kumar @ Ranjeet Kumar) and the petitioner was present at the place of occurrence. He further submits that from bare perusal of FIR it appears that the petitioner was not present at the place of occurrence and informant has not stated anything about the petitioner and except the so-called confessional statement of co-accused person, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet and the petitioner is in custody since 22.10.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of



paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, co-accused has confessed his guilt in the present occurrence and initially the petitioner was not named in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First class, Chapra, Saran in connection with Derni P.S. Case No. 245 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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