

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13585 of 2026**

Arising Out of PS. Case No.-553 Year-2025 Thana- ARA NAGAR District- Bhojpur

Deepak Kumar Son of Shiv Balak Prasad Resident of Mohalla- Jawahar Tola,  
P.S.- Ara Nawada, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                        |
|--------------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mrs. Nivedita Nirvikar, Sr. Advocate<br>Mr. Shashank Shekhar, Advocate |
| For the Opposite Party/s | : | Mr. Ajay Kumar No. 2, APP                                              |
| For the Informant        | : | Mr. Vishal Vikram Rana, Advocate                                       |

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**CAV ORDER**

6      24-06-2026                      Heard learned Senior counsel for the petitioner,  
learned APP for the State and learned counsel for the Informant.

2. The petitioner has prayed for bail in connection with Ara Town P.S. Case No. 553 of 2025 registered for the offence punishable under Sections 103(1) and 61(2) of the BNS and under Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that on 05.09.2025 at 9 PM after having meals, the informant along with his own brother Om Prakash and cousin Arun Kumar Singh was smoking cigarette. At that time, one Sumit who was returning after completing his duty at Dr. Jitendra Kumar Singh's Hospital and entered in the lane, they heard the sound of two firings. As they entered in the lane, they saw Deepak Kumar



(petitioner), Bambam Kumar @ Uttam were running from the place brandishing the pistol. Two other persons were also with them. Sumit succumbed to the injuries.

4. Learned Senior counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and he has committed no offence. From perusal of the FIR, it is clear that in this case, nobody is the eye-witness and the informant, his brother and his cousin have only seen the petitioner along with other co-accused persons running away from the place of occurrence brandishing arms. Learned Senior counsel for the petitioner has also submitted that during the course of investigation, all the accused persons have given their confessional statement and they have stated in stereotyped manner that the petitioner was indulged in *reiki* and have also stated that the fire was made by Sagar and Siddharth. It has further been submitted that in this case charge-sheet has been filed and in CDR also, the location of mobiles of this petitioner and the co-accused persons were found at the place of occurrence and for this, learned Senior counsel for the petitioner has relied on a judgment of the Hon'ble Supreme Court reported in **(2022) vol. 12 SCC 633**. Learned Senior counsel for the petitioner has referred Para '12' of the said judgment and has



submitted that the Hon'ble Apex Court has held in Para '12'

which are being hereunder:-

“12. It has been held in clear terms in *Tofan Singh v. State of T.N.*, that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders releasing them on bail. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial. For the aforesaid reason, this Court is not inclined to interfere in the orders dated 16-9-2019, 14-1-2020, 16-1-2020, 19-12-2019 and 20-1-2020 passed in SLP (Crl.) No. arising out of Diary No. 22702 of 2020, SLP (Crl.) No. 1454 of 2021, SLP (Crl.) No. 1465 of 2021, SLPs (Crl.) Nos. 1773-74 of 2021 and SLP (Crl.) No. 2080 of 2021 respectively. The impugned orders are, accordingly, upheld and the special leave petitions filed by the petitioner NCB seeking cancellation of bail granted to the respective respondents, are dismissed as meritless.”

5. Learned Senior counsel for the petitioner has further submitted that in this case even the father-in-law of the deceased has given statement before police and he has also not named this petitioner as an assailant. Learned Senior counsel for



the petitioner has also submitted that this petitioner has been framed in this case as an accused as he is a witness in Ara town P.S. Case No. 879 of 2022.

6. Learned Senior counsel for the petitioner has also submitted that from perusal of the postmortem report also it will transpire that the deceased has received following ante mortem injuries:-

“Firearm entry wound of size 1.5 cm X 1.5 cm right side thigh found inside. Exit wound of size 2 cm X 1.5 cm back side right thigh. Firearm entry wound of size 1 cm X 1.5 cm on right side cheek. Exit wound of size 1.5 cm X 1.5 cm back side of skull”.

7. According to the doctors conducting autopsy of the deceased, the death was due to firearm injury in the skull and right thigh leads to neurogenic and hypovolemic shock leads to his death.

8. Learned Senior counsel for the petitioner has also submitted that postmortem report goes to show that only two gunshot injuries are there on the person of the deceased and from perusal of the confessional statement of the co-accused persons and this petitioner, it is clear that there are two assailants, namely, Sagar and Siddharth and only role attributed to the petitioner is that he has made *reiki*. It is lastly submitted that the petitioner is in judicial custody since 11.09.2025.



9. Countering this, learned APP for the State and learned counsel for the informant have opposed the prayer for bail and have submitted that the petitioner is also one of the assailants in the present case. It is submitted that during investigation, the confessional statements of the accused persons, including the present petitioner, have been recorded. From the said confessional statements, it has transpired that all the accused persons have consistently stated that the petitioner had also fired at the deceased along with co-accused Sagar and Siddharth. It is further submitted that even the petitioner, in his confessional statement, has admitted his participation in the occurrence. Thus, a specific overt act of firing is attributed to the petitioner as well along with Sagar and Siddharth. They have further submitted that considering the nature and gravity of accusation assigned to the petitioner, he is not entitled to the privilege of bail.

10. So far as parity of this case with the case of co-accused, namely, Bambam is concerned, there is allegation of *reiki* against him and no allegation of firing, whereas the allegation against the present petitioner is that he had fired at the deceased besides making *reiki*.

11. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this Court finds that allegation of firing has been attributed to the petitioner as well along with two other co-accused persons. It appears from the materials collected during investigation, including the confessional statements of the accused persons, that the petitioner had also participated in the firing along with co-accused Sagar and Siddharth. Considering the nature of allegation, this Court is not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, the prayer for bail stands rejected.

12. However, the petitioner may renew his prayer for bail after six months if the trial is not concluded.

13. Learned trial court is directed to expedite the trial.

**(Ashok Kumar Pandey, J)**

Shubham/-

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