IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25637 of 2026

Arising Out of PS. Case No.-339 Year-2024 Thana- BAKHTIYARPUR District- Patna

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Biru Rai @ Dharmveer Rai @ Vir Kumar Son of Jay Krishan Rai @ Jay Rai @ Jay Krishna Ray Resident of village- Naya Tola, Bariyarpur, Ps- Bakhtiyarpur, Dist- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 17-04-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 339 of 2024, registered for the offences under Sections 147, 148, 149, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the son of the informant was called out by the petitioner and other coaccused persons to their house. When some delay occurred, four youths on two motorcycles came to the house of the informant and took away his son and entered into conversation with the son of the informant. Subsequently, the informant came to know about some commotion taking place near the house of coaccused Gauri Rai. He went there and found his son was kept confined

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by the sons of coaccused Gauri Rai by grabbing his hands and this petitioner and coaccused were abusing the son of the informant. The coaccused Guari Rai took out a country made katta and shot in the chest of the son of the informant who subsequently died. The occurrence took place in the background of enmity of the coaccused persons with the son of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The specific allegation of opening fire is against coaccused Gauri Rai and only allegation against the petitioner is of abusing the son of the informant. There is no specific allegation of assault against this petitioner. There is no direct or indirect evidence against the petitioner. Coaccused Gauri Rai has been granted regular bail vide order dated 06.08.2025 passed in Cr. Misc. No. 12156 of 2025 and another similarly placed coaccused Niraj Kumar has been granted bail vide order dated 14.02.2025 passed in Cr. Misc. No. 87300 of 2024 by a learned Single Judge of this Court. Petitioner is in custody since 06.02.2026. He has two criminal antecedents and in both the cases he is on bail. Charge sheet has been submitted.

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5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no serious allegation has been levelled against the petitioner and allegation of assault of firearm is specific against coaccused and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge-VI, Barh, Patna/concerned court, in connection with Bakhtiyarpur P.S. Case No. 339 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three

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consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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