

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44406 of 2025

Arising Out of PS. Case No.-181 Year-2022 Thana- KADIRGANJ District- Patna

Ajit Kumar S/O- Sudama Prasad R/O Village- Balapur @ Sanda Purbi, P.S.-
Dhanarua, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Eashita Raj, Advocate
	:	Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2026 Heard Ms. Eashita Raj, learned counsel for the petitioner, learned counsel for the informant and Mr. Shyam Kumar Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 03.01.2025 in connection with Kadirganj P.S. Case No. 181 of 2022, F.I.R. dated 12.12.2022 registered for the offence punishable under Sections 302/34 of IPC and Section 27 of Arms Act.

3. Allegation against the petitioner is that he fired upon the son of the informant and bullet hit at his chest.

4. Learned counsel appearing for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as



alleged in the FIR. Although the petitioner is named in the FIR and there is specific allegation against him that he alongwith other co-accused persons have fired upon the son of the informant. Learned counsel for the petitioner fairly submits that the date of occurrence as alleged in the FIR is 12.12.2022 at 9.00 AM and the present FIR has been instituted on 12.12.2022 at 8.45 PM but the postmortem of the victim was conducted on 12.12.2022 at 3.50 PM which suggests that after the postmortem, the present FIR has been instituted afterthought only to falsely implicate the petitioner in the present case, when the informant came to know about the cause of death he has lodged the present case against the petitioner and other co-accused persons.

5. Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that although the postmortem was conducted before lodging the FIR but the allegation as alleged in the FIR which is supported by the medical evidence (postmortem report) apart from the aforesaid, the Fardbeyan of the informant was recorded on 12.12.2022 at 01.20 PM but the reason best known to the prosecution he has lodged the present FIR on 12.12.2022 at 08.45 PM. Further submits that the



petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the supplementary affidavit.

6. Considering the aforesaid fact, the FIR has been instituted after the postmortem and apart from the aforesaid, as per allegation in the FIR a number of accused persons have fired upon the victim but the postmortem report reveals that only one injury was found on the person of the deceased which suggests that who has fired upon the victim is not clear, 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 learned A.S.J.-I, Masaurhi, Patna in connection with Kadirganj P.S. Case No. 181 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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