**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.43460 of 2026**

**CNR No. BRHC010587792026**

Arising Out of PS. Case No.-491 Year-2025 Thana- GAYA KOTWALI District- Gaya

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Billu @ Billa @ Nitish Kumar @ Shinu @ Shinu Paswan S/o Mohan Paswan R/o Mohalla- Janta Colony, Ward No. 10, P.S.- Delha, Distt- Gaya

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Aryan Singh, Advocate |
| For the State | : | Mr. Kalyan Shankar, APP |
| For the Informant | : | Mr. Deepak Kumar, Advocate<br>Mr. Amritesh Chandra, Advocate<br>Mr. Osank Kumar, Advocate |

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

ORAL ORDER

4 29-10-2026 Heard learned counsel for the petitioner, learned counsel for the Informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Gaya Kotwali P.S. Case No.491 of 2025 registered for the offence punishable under Sections 103(1), 61(2) and 3(5) of the BNS and under Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that the informant received an information that somebody has shot dead his son. After this, he arrived at his house and he came to know that Banti and Billu (petitioner) have killed his son and there are altogether 13 persons who were involved in the conspiracy.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has

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committed no offence. He has falsely been implicated in this case. It has been submitted that from perusal of the FIR itself it is clear that the informant is not the eye-witness and it is not disclosed by him in his re-statement as to from whom he came to know that Banti and Billa (petitioner) have killed his son. Learned counsel for the petitioner has submitted that from perusal of the post-mortem report it will transpire that the doctor conducting autopsy of the deceased has found only one gunshot injury on the person of the deceased. It has further been submitted that from perusal of paragraph '116' of the case diary it will transpire that the Supervising authority has stated that Banti is the person who has fired at the deceased. It has further been submitted that during course of investigation, the confessional statement of the petitioner was recorded and in his confessional statement he has stated that Banti has fired at the deceased.

5. Countering this, learned counsel for the informant has vehemently opposed the bail and has submitted that from perusal of the paragraphs of the case diary it will transpire that the petitioner was having regular talks with Banti and that in CCTV footage also, they were identified.

6. From perusal of CCTV footage, it is clear that

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altogether four persons were identified but from that footage it is not clear as to who has fired at the deceased. Though paragraph '116' is the supervision report and Supervising authority has concluded that Banti is the persons who has fired at the deceased but has not disclosed the grounds on which he has come to his conclusion. Only material before this Court is that confessional statement which goes to show that Banti is the person who has fired at the deceased. It has lastly been submitted that the petitioner is having no criminal antecedent and is languishing in judicial custody since 25.10.2025.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge-XIII, Gaya Ji in connection with Gaya Kotwali P.S. Case No.491 of 2025.

**(Ashok Kumar Pandey, J)**

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