

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45235 of 2026

Arising Out of PS. Case No.-372 Year-2021 Thana- EKMA District- Saran

Ashok Rai Son of Ramjee Ray Resident of Village- Tilkar, P.S.- Ekma,
District- Saran.

... .. 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. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Ekma
P.S. Case No. 372 of 2021 instituted for the offence under
Sections 307 & 34 of the Indian Penal Code and Sections 25(1-
B)a, 26 & 35 of the Arms Act.

3. The prosecution case, in brief, is that on
19.09.2021, while informant was sitting at a shop, the petitioner
along with other accused persons arrived on motorcycles and
co-accused Sunny Rai fired at him with a country-made pistol.
It is further alleged that the informant narrowly escaped, the
weapon was snatched by a shopkeeper during the chase, and the
accused persons fled after firing in the air while local people



gathered at the place of occurrence.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.04.2026. Petitioner bears ten (10) criminal antecedents, out of which he is acquitted in four cases, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. From perusal of the FIR, it would reveal that there is no specific allegation against the petitioner, rather the same is against other co-accused person. Learned counsel for the petitioner submits that petitioner allegedly fired in the air while fleeing away. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 103 of the BNSS, 2023. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ekma P.S. Case No. 372 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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