IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53755 of 2026

CNR No. BRHC010753932026

Arising Out of PS. Case No.-377 Year-2025 Thana- GANDHIMAIDAN District- Patna

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Md. Raja, son of Md. Imtiyaz @ Pappu Panter, Resident of Village-Pathan Toli, P.S.- Alamganj, Dist- Patna, At present Pirbais Market, Ward No. 52, P.S.- Alamganj, Dist- Patna

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Session Trial (S.T.) No.641 of 2026 arising out of Gandhi Maidan P.S. Case No.377 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 121(2), 111, 221, 249, 262, 126(2), 115(2), 132, 109. 310(5), 318(4) and 310(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is in custody since 26.06.2025.

4. As per FIR, petitioner was arrested along with

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co-accused at Dak Bunglow Chouraha, Patna, who as per information, came over there to commit murder of unknown person. The petitioner after search, was taken into police custody and when for verification of the information, the vehicle was on the way of Sultanganj, the petitioner after taking out hidden pistol from his shoe, opened firing upon police, which could not hit any of them and to counter the same, the police personnel also fired upon the petitioner, which hit to his leg.

5. It is submitted by learned counsel appearing for petitioner that this petitioner was taken into police custody after proper search of his body and, therefore, the allegation of firing in police custody appears non-convincing. It is submitted that out of oblique motive, this petitioner was encountered. It is further argued that one of the reason for implication of this petitioner is his several criminal antecedents, as he found involved in four criminal cases, where he is on bail. While concluding argument, it is submitted that investigation of this case has already concluded, for which, charge-sheet has been submitted and,

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as such, there is no chance of tampering with the evidence.

6. Considering the custody period, a report regarding stage of trial was called for from the learned trial court, which made available to this Court through Letter No.50 dated 06.10.2026 speaking that no witness till now has been examined in this matter.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact, as despite custody of about one year and four months, as petitioner remains in custody since 26.06.2025, not a single prosecution witness was examined before the learned trial court, coupled with the fact that investigation of this case has already been concluded, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XXVII, Patna in connection with Session Trial (S.T.) No. 641 of 2026 arising out of Gandhi Maidan P.S.

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Case No.377 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') with further condition:-

(i) That petitioner shall remain physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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