IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67468 of 2026

CNR No. BRHC010935542026

Arising out of PS. Case No.-726 Year-2025 Thana- MADHAURAH District- Saran

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Chhotu Singh @ Vishal Singh Son of Vijay Singh Resident of Village- Bhawalpur, Post- Bhawalpur, P.S.- Marhaura, District- Saran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhiraj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 05-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Marhaura P.S. Case No. 726 of 2025, registered for the offence under Sections 115(2), 126(2), 351(2), 352, 109 and 3(5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, in the background of previous dispute, petitioner and three other co-accused persons surrounded the informant and on

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being exhorted by the petitioner, co-accused Vivek Singh drew out a country-made *katta* and fired upon the informant which hit him on his abdomen and back. The assailants fled away believing the informant to be dead.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the prosecution version changed with the statement of one Kundan Singh and, thereafter, the re-statement of the informant was recorded and they thereafter alleged that it was the petitioner who shot at the informant, therefore, prosecution version is not believable. It is further falsified by the fact that one of the co-accused Raju Singh was not found involved in the occurrence as CCTV footage was taken out which showed him to other place than the place of occurrence. Though there is allegation of causing two gun-shot wounds but the injury report shows only one firearm injury and one bullet was retained after operation, therefore, there is doubt about who shot at the informant. Learned counsel further submits that

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nothing incriminating has been recovered from person or possession of the petitioner. Learned counsel also submits that the petitioner is aged about 19 years, he is having clean antecedent and he is in custody since 15.06.2026 and charge-sheet has also been submitted against the petitioner.

5. Learned A.P.P. appearing for the State as well as learned counsel for the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that there could be some discrepancy considering the fact that the statement of the informant was recorded after one hour of the occurrence and he was not in a position to give his statement. The friend of the informant namely Kundan Kumar also received some injuries in the head of accused persons and he gave a clear picture of the occurrence and it was the petitioner, who shot at the informant and the petitioner has been threatening the informant and if he is enlarged on bail, he may commit further offence.

6. Having regard to the facts and circumstances and submission made on behalf of the

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parties and considering the discrepancy in the identification of the assailant who shot at the informant and also considering the clean antecedent of the petitioner, period of custody and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/ concerned court, in connection with Marhaura P.S. Case No. 726 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the 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 below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the

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petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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