

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72826 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- AGIAON BAZAR District- Bhojpur

Prince Kumar Rai Son of Late Haresh Kumar Rai, Resident of village -
Teladh, P.S.- Agiaon Bazaar, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner	:	Mr. Navin Kumar Singh, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Ramadhar Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-01-2026 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 Agiaon Bazaar P.S. Case No. 26 of 2025 dated 14.03.2025, registered for the offences punishable under Sections 126(2), 115(2), 109(1) and 308(5) read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, petitioner and co-accused Rohit Kumar demanded Rs. 50,000/- as extortion money from the brother of the informant and when he refused to pay, they started assaulting him. The co-accused caught hold of the brother of the informant and this petitioner fired upon him on his chest and both of them fled away from the spot.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in



the present case and no occurrence in the manner as alleged has ever taken place. There is no independent witnesses for alleged demand of extortion or firing. There is no recovery of any fire-arm or cartridges live or spent from the place of occurrence or from the person or possession of this petitioner. The injury report shows fire-arm injury on the victim, but the report merely states that the injury may be due to gun shot. He further submits that no bullet or projectile has been recovered or matched to any weapon allegedly possessed by the petitioner. There is no charring or blackening as it has been alleged in the FIR that firing was made from close range and this falsifies the allegation against the petitioner. Learned counsel next submits that petitioner is having antecedent of two cases in which he is on bail and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 13.06.2025.

5. Learned A.P.P. appearing on behalf of the State and learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against this petitioner that he fired upon the brother of the informant and the statement of the victim was also recorded, who also named this petitioner.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of chargesheet, the petitioner, above-named, 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 Judicial Magistrate-I, Ara / concerned Court, in connection with **Agiaon Bazaar P.S. Case No. 26 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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 court 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 petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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