

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77712 of 2025

Arising Out of PS. Case No.-438 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Debasis Jha @ Dabasis Kumar @ Bramha Jha S/o- Murlidhar Jha Resident of
Village- Naya Tola Katihar ward No- 34 PS-Katihar Nagar, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi W/o- Shyam Sunder Jha @ Kalu Jha R/v- Naya Tola Katihar
Shiv Mandir Chauk W.No-34, Ps- Katihar Town Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Narayan Yadav, Advocate
For the Opposite Party/s	:	Mrs. Rita Verma, APP
For the Informant	:	Mrs. Vaishnavi Singh, Advocate

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

ORAL ORDER

3 04-02-2026 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Katihar
Town P.S. Case No. 438 of 2025, instituted for the offences
punishable under Sections 109(2), 61(2), 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that while
husband of the informant was returning to his home, the
petitioner along with other co-accused persons intercepted him
and fired a gunshot on his head due to which he sustained injury
and fell down on the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that no specific allegation of firing has been attributed against the petitioner rather the same is general and omnibus in nature. It is next submitted that the petitioner has been falsely implicated in this case due to family dispute. It is further submitted that there is case and counter case between the parties. The petitioner is in custody since 12.06.2025 and has got four criminal antecedents.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Katihar Town P.S.
Case No. 438 of 2025, 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 prosecution will have liberty to move for
cancellation of bail.

(III) The petitioner will not tamper with the evidence
or with the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar
nature in future.

(V) The petitioner shall not leave the territorial
jurisdiction of the learned Court below without taking prior
permission of the Court concerned.

If any of the above conditions are violated, the
prosecution will have liberty to file appropriate application for
cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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