

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76808 of 2025

Arising Out of PS. Case No.-835 Year-2023 Thana- GANDHIMAIDAN District- Patna

Niraj Kumar S/o Late Gorakh Mahto R/o 60 Gali no. 01, Choudhary Tola,
Lalji Tola Exhibition Road, P.S- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gouranga Chatterjee, Sr. Advocate Mr. Nilanjan Chatterjee, Advocate Mr. Ujjwal Raj, Advocate Mr. Anirvan Choudhuri, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

3 28-01-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gandhi
Maidan P.S. Case No. 835 of 2023 instituted for the offence
under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, informant, while on
patrolling, received information about a body lying at a location.
Upon reaching the scene, informant found a male dead body
with assault marks on the head and blood around the body.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 03.08.2025. Petitioner
bears no criminal antecedents, 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, solely due to his relationship with the injured person, while he neither participated in nor committed any offence. The prosecution's reliance on alleged C.C.T.V. footage is false, as no such footage was seized, preserved, or available on record, which is evident from the case diary itself. There is no specific allegation or eyewitness account attributing any injury to the petitioner, despite his being admittedly known to the witnesses. The delayed arrest, absence of identification till the supervision note and manipulated case diary clearly demonstrate a concocted and false prosecution case. 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, there being no cogent material against 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 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 Gandhi Maidan P.S. Case No. 835 of 2023, 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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