

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86098 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- VAINI District- Samastipur

Badal Kumar @ Viveka Nand Kumar S/o- Umesh Poddar Village- Nirpur
Ward No- 5 PS- Karpurigram District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, A.P.P.

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

ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Waini
P.S. Case No. 37 of 2025, instituted for the offences under
Sections 308(3), 308(5), 109(1) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Section 27 Arms Act.

3. Prosecution case, in short, is that the informant was
shot at by the petitioner and co-accused Aman Kumar @ Kargil,
who were pillion riders, while co-accused Hemant Kumar was
driving the vehicle, however, the same was mis-fired. The co-
accused Aman Kumar threatened the informant for dire
consequences.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No



incriminating articles were recovered from the possession of the petitioner. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. The other co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 17.11.2025 passed in Criminal Miscellaneous No. 61438 of 2025. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.07.2025 and has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, as also 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 Waini P.S. Case No. 37 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 Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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