

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91214 of 2025

Arising Out of PS. Case No.-579 Year-2025 Thana- PHULWARISHARIF District- Patna

Shami Anannd @ Shummy Anand Son of Dharmendra Kumar @ Vimal
Sharma Resident of Village - Nawa Block, Punpun, P.O. - Pipra, P.S.- Pipra,
District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashutosh Nath, Adv. Mr.Amritanshu Dangi, Adv. Mr.Kunal Raushan, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No.1, APP Mr.Sayed Imran Ghani, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 15-01-2026 1.By means of this bail application, petitioner, who is involved in connection with Phulwarisharif PS case no. 579 of 2025 registered for the offences under Sections 103(1), 3(5) of BNS and under sections 25(1-b)a/26 and 27 of the Arms Act seeks enlargement on bail during the pendency of trial.

2.Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor representing the State.

3.As per the prosecution case, informant who is father of the deceased-Navneet Kumar gave an application to police on 11.04.2025 stating inter alia that on 11.04.2025 at about 1:30 PM, his son Navneet Kumar was murdered. Regarding the said



incident he received an information at about 4:00 P.M. At the spot a pistol and some cartridges were also found. He has suspicion that Shummy Anand along with unknown persons got his son murdered.

4.It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. It is further submitted that there is no eye-witness of the alleged incident. During investigation, the Investigating Officer without collecting any credible and direct evidence against the petitioner made him accused only on the basis of suspicion raised in the mind of the informant treating his suspicion as gospel truth. Even, there is no evidence to connect the alleged recovered pistol and the cartridges with the petitioner. The petitioner, has criminal history of two cases, out of which, in one case, he has been acquitted and in the other case, he is on bail. Averments in this regard have been mentioned in paragraph no.3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 25.04.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the



trial.

5.Per contra, learned Additional Public Prosecutor for the State and learned counsel for the informant opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. but they do not dispute the averment made in bail application and the submission made at the bar on behalf of the petitioner.

6.Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that there is no eye-witness of the incident and there is no direct evidence against the petitioner. The investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7.In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence,



severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the petitioner namely Shami Anand @ Shummy Anand be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly involve in



any criminal activity after being released on bail.

(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

10.It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

11.The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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