

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7429 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHPUR District- Bhagalpur

Sunny Kumar Son of Uday Kant Choudhary Resident of village - Gauripur,
P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 7574 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHPUR District- Bhagalpur

Govind Kumar S/O Pale Chaudhary Village- Mauzmabad PS- Bhawanipur
Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 7429 of 2025)
For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP
(In CRIMINAL MISCELLANEOUS No. 7574 of 2025)
For the Petitioner/s : Mr.Ved Prakash Chandan, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Since both the petitions arise out of Bihpur P.S. Case

No. 80 of 2024, as such, they have been taken up together and

are being disposed of by this common order.

2. Heard learned counsels for the petitioners and

learned APP for the State.

3. In the present case, the petitioners seek bail in

connection with Bihpur P.S. Case No. 80 of 2024 registered on



21.02.2024 for the alleged offences under Sections 394 and 411 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

4. As per prosecution case, e-rickshaw of the informant was overtaken by two persons riding a motorcycle. One of them drew a country made *katta* and second miscreant snatched a mobile phone and Rs. 500/- from the informant. The first person fired upon the informant when he showed his inability to part with any other valuable article. Thereafter, the people nearby assembled and the person who fired the shot was apprehended by them and the police came and the said person was arrested and on his search, recovery of country made *katta* with spent cartridge was made. Subsequently, another miscreant was apprehended who met with an accident while fleeing away with his motorcycle and from his possession, the mobile phone snatched from the informant, was recovered. The petitioner Sunny Kumar is the miscreant who shot at the informant and the petitioner Govind Kumar is the person who snatched the mobile phone and was subsequently apprehended.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The



petitioners entered into some scuffle with a truck driver who called the police and the country made *katta* was planted. The injury report does not corroborate the allegation of causing firearm injury to the informant as there is no exit wound and no metallic substance was found in the body. Nature of injury was stated to be simple and it was stated to be caused by hard blunt substance. Learned counsel further submits that moreover charge-sheet has been submitted and the petitioners are in custody since 21.02.2024. Petitioner Sunny Kumar is having antecedent of two cases and he is on bail in both the cases whereas petitioner Govind Kumar is having clean antecedent.

6. Learned APP opposes the submission made on behalf of the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners as well as submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-III, Naugachhiya, Bhagapur/concerned court in connection with Bihpur P.S. Case No. 80 of 2024, subject to the conditions mentioned in Section



437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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