

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12730 of 2025

Arising Out of PS. Case No.-348 Year-2024 Thana- BACHHWARA District- Begusarai

Shubham Kumar @ Subham Kumar S/O Late Arjun Choudhary R/O-
Godhna, Ward No- 10, PS- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

4 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bachhwara P.S. Case No. 348 of 2024 instituted for the offences under Sections 115(2), 127(1), 109 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with other accused persons are said to have fired upon the Informant's nephew Abhinav Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to longstanding land dispute as also in connivance with the



local police. The petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation is against the co-accused Aman Kumar. The petitioner at best can be said to be a member of the mob. He further submits that from perusal of the injury report of Avinav Kumar, it appears that the injury is simple in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 05.10.2024 as has been stated in Para-3 of the supplementary affidavit.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is named in the F.I.R. and, hence, he does not deserve bail. Learned counsel for the State again submits that the prayer for bail of the co-accused namely Mitthu Kumar has already been rejected by a Co-ordinate Bench of this Court vide order dated 12.12.2024 passed in Cr. Misc. No. 84638 of 2024.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S. Case No. 348 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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