

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8424 of 2025**

Arising Out of PS. Case No.-336 Year-2024 Thana- SHEOHAR District- Sheohar

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1. Raj Kumar S/o- Harihar Ray Village - Rajadih, ward No -14 P. S - Tariyani, District - Sheohar
  2. Subhash Kumar S/o- Jailal Paswan Village - Pojhiya, ward No -15P. S - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Devendra Kumar, Advocate

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

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

ORAL ORDER

3      12-05-2025                      Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Sheohar P.S. Case No. 336 of 2024 instituted for the offences under Sections 109, 132, 121(1), 121(2), 3(5) of the BNS, Section 27 of the Arms Act and Sections 30(a), 45 of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that, police intercepted a Bolero loaded with 396 litres of illegal Nepali liquor near Sundarpur Chowk after a chase. It is alleged that two accused persons, petitioners herein, were apprehended while others fled away after opening fire upon the police personnel.



4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. The allegation of firing upon the police personnel is attributed to the co-accused persons who fled away from the spot and, therefore, no offence under BNS and Arms Act is made out against the petitioners. Learned counsel further submitted that petitioner no. 2 is the driver of the vehicle in question whereas petitioner no.1 has no concern with the vehicle. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioners have no concern with the alleged recovery. It has been submitted on behalf of the petitioners that the petitioners are in custody since 25.11.2024. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has two criminal antecedents.

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

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of firing against the petitioners as also the period of custody undergone by the



petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Court below/concerned Court in connection with Sheohar P.S. Case No. 336 of 2024, 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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