

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13269 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- MADHUBAN District- East Champaran

Arvind kumar @ Rijhan S/O Jhokha Sahani @ Binda Sahani R/O Village-
Chhota Hardiya, P.S- Madhuban, Distt.- Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2025 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Mr. Anand Kishore Choudhary, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 290 of 2024, F.I.R. dated 15.07.2024 for the offences punishable under Sections 238 and 3(5) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, all the accused persons including this petitioner in a drunken state started firing in the air in a marriage ceremony where one bullet got hit to Lucky Kumar who sustained injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named



in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of firing is against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner that they have fired upon the victim. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that during investigation the co-accused persons were apprehended, namely, Raja Sahani @ Raja Babu and Raja Kumar and they have confessed their guilt in the present case and they have categorically stated that they have fired upon the victim. They have also stated that the petitioner was accompanying them.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, co-accused persons have confessed their guilt that they have fired upon the victim and they have not stated anything about the petitioner that whether he has fired or not and the victim has received only one injury, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Madhuban P.S. Case No. 290 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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