

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18249 of 2025

Arising Out of PS. Case No.-420 Year-2024 Thana- DIGHA District- Patna

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Mukesh Kumar @ Mukku Baba @ Mukul Baba @ Rakesh Kumar S/O Sri Ramanuj Prasad R/O Village- Bhikhna Pahari, Saidpur, Kachri Gali, Bhikhna Pahari, P.S- Kadamkuan, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Digha P.S. Case No. 420 of 2024 registered for the alleged offences under Sections 61, 103, 109 of Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a, 26, 27 & 35 of Arms Act.

03. As per prosecution case, petitioner and two other co-accused persons opened fire indiscriminately upon the brother-in-law of the informant and his driver and causing grievous injuries to them. All accused persons fled away from the spot. With the help of villagers, both the injured persons were taken to the hospital where the driver of the vehicle, namely Vikas Kumar was declared brought dead.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Specific allegation of opening fire is against co-accused Birendra and Monu Rai and only a vague allegation has been made against the petitioner that he had also opened fire from some distance but the prosecution story is not believable. The occurrence took place on 03.07.2024 at about 04 PM and the petitioner was present physically in the court of learned Additional Sessions Judge-XVIII, Patna in Session Trial Case No. 662 of 2018 from 11:30 to 4:30 PM, as witness no. 2 of the case had come to depose. The said witness was examined-in-chief and cross-examined and this fact could be verified from CCTV footage of Civil Court Campus, Patna. The petitioner has no concern with the co-accused persons. The petitioner has been named in this case without proper identification and it shows the petitioner has been implicated merely on suspicion. Learned counsel further submits that petitioner is having antecedent of six cases and is on bail in all those cases. The petitioner is in custody since 14.10.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner has been named along with other co-accused for opening fire upon brother-in-law of the informant and his driver, Vikas Kumar, and the said driver



was declared brought dead in the hospital.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-IX, Patna in connection with Digha P.S. Case No. 420 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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