

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17690 of 2025

Arising Out of PS. Case No.-258 Year-2024 Thana- MUNGER MUFFASIL District- Munger

Abhishek Kumar S/o Sri Gunanand Thakur Resident of Jagannathpur Tola
Farda, PS- Muffasil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Mishra, Advocate
For the State	:	Mr. Narendra Kumar Singh, A.P.P.
For the Informant	:	Mr. Deep Nishi, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 258 of 2024 lodged on 14.07.2024, for
the offence punishable under Sections 103, 61(2) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms
Act.

3. The allegation in the First Information Report is
that Pawan Mandal, Prince Singh and Shyam Poddar stopped
the informant's son who was driving a pick-up van and by
taking out pistols, they fired at informant's son and the driver
and both of whom died on the spot. Further allegation against
Ajay Poddar, Ranju Devi and Rahul Kumar is that they were the
liners in the entire episode.



4. Learned counsel for the petitioner submits that upon bare perusal of the FIR, it would go to show that the petitioner is not named in the FIR, whereas, other accused persons have been specifically named. The name of the petitioner has transpired in this case during the course of investigation by virtue of the confessional statement of the co-accused namely, Navin Tanti who has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 30.04.2025 passed in Cr. Misc. No.24668 of 2025. It has also been submitted that there is a delay of about 36 hours in lodging of the FIR and petitioner is in custody since 18.12.2024. Learned counsel further submits that petitioner has no criminal antecedent and one other co-accused person namely, Sonu Kumar @ Fantush Yadav @ Fantush Kumar has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 08.01.2025 passed in Cr. Misc. No.87703 of 2024.

5. Learned counsel for the informant opposes the prayer for bail and submits that the petitioner's role has come in the confessional statement of the co-accused namely, Navin Tanti. It is submitted that the confessional statement of the co-accused does not have any evidentiary value and moreover, the informant who is allegedly an eye witness of the occurrence, has



not taken the name of the petitioner and he has not been arrested on the spot.

6. Learned A.P.P for the State opposes the prayer for bail.

7. Considering the present facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/Successor court, in connection with Muffasil P.S. Case No. 258 of 2024.

(Soni Shrivastava, J)

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