

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18485 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- KHARIK District- Bhagalpur

Shankar Kumar @ Shankar Mandal Son of Sunil Mandal village- Tulsipur,
P.S- Kharik, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Kharik P.S. Case No. 268 of 2024 registered for the offences under Sections 191(2), 115(2), 109 and 352 of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, co-accused Nitish Kumar assaulted the son of the cousin of the informant and when he rushed to his house for shelter, the petitioner and other co-accused persons, who were variously armed, hurling abuses assaulted the informant and others. Co-accused Nitish Kumar shot at the cousin of the informant causing injury to him.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. No offence as alleged has ever taken place. From the F.I.R., it is apparent that there is no allegation of assault against the petitioner rather there is general and omnibus allegation against the petitioner and others. Specific allegation of opening fire is against co-accused Nitish Kumar. Petitioner was not apprehended from the spot and he was not even present at the spot and he has been falsely implicated in this case. There is no legal or cogent material against the petitioner to connect him with the offence as alleged. Petitioner is in custody since 18.11.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner for assaulting the informant or his family members and also considering the clean antecedent of the petitioner as well as his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned



Additional District & Sessions Judge-II, Naugachia,
Bhagalpur/concerned court in connection with Kharik P.S. Case
No. 268 of 2024, subject to the conditions mentioned in Section
480(3) of the B.N.S.S. and other 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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