

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22838 of 2025

Arising Out of PS. Case No.-1095 Year-2024 Thana- SONEPUR District- Saran

1. Nitish Kumar @ Nitish Singh Son of Shivkumar Singh Resident of Village - Gangajal, P.S. - Sonepur, District - Saran

2. Anjani Kumar @ Mantu Kumar @ Mantu Kumar Singh @ Mantu Singh Son of Shyam Lal Singh Resident of Village - Gangajal, P.S. - Sonepur, District - Saran

3. Kundan Singh @ Kundan Kumar Singh Nephew of Sanjay Singh, Son of Awadh Singh Resident of Chatrubhuj, Chhapra Sarea, P.S. - Sonepur, District - Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 190, 191(2), 191(3), 109, 326(a), 115(2), 125, 324(4), 324(5) and 61(2) of the BNS Act, 2023 read with Section 27 of the Arms Act.

3 . As per the prosecution case, informant namely Rajnandan, officer-in-charge of Sonepur police Station recorded his self written statement in which he alleged that on 28-12-24 at 19:00 O'clock, he along with his associates proceeded from police station for performing his duty to maintain law and order,



in the meantime about 20:15 O'clock near Diyara Chowk got an information that, on account of dispute between children, there was a clash between two groups near the High School located in village Gangajal, in which some people sustained minor injuries, where bullets also fired. The said information was communicated to the senior official by him and to take necessary action, he along with police force proceeded from Rahar Diyara to the alleged place of occurrence. On seeing the police vehicle, some anti-social persons (35-40 persons) from both side who was throwing stone and bricks, were started running to escape from the spot, with the help of police force out of them seven persons were arrested and rest anti-social elements managed to escaped from the spot. On interrogation the apprehended persons disclosed the names of the members of the parties including the petitioners and other 20-25 unknown. In the meantime, he got an information that, Sujit Kumar's poultry farm in the village Chausiya has been set on fire by anti-social elements, the said information was communicated to senior official by him and he reached on the spot where with the help of villagers and police force got control over the fire. After due search of said spot, a bullet casing was found, accordingly an FIR has been lodged by him regarding such occurrence.



4. It is submitted on behalf of the petitioners that petitioners are innocent and they have been falsely implicated in the present case and have committed no offence as alleged. Learned counsel for the petitioners further submits that the names of these petitioners have been taken by apprehended co-accused persons before the police who have serious inimical terms with the petitioners and have no evidentiary value in the eyes of law. It is next submitted that no overt act has been committed by the petitioners. It is also submitted that petitioners have no relation with other accused persons of this present case. It is further submitted that no incriminating article has been recovered from the conscious possession of these petitioners nor any anyone has seen these petitioners with such contraband article, therefore, no case is made under the alleged sections against these petitioners. Learned counsel for the petitioners further submits that the allegations levelled are general and omnibus in nature. It is next submitted that there is no eye-witness to the incident in question.

5. Learned A.P.P. for the State opposes the bail petition.

6. Considering the aforesaid facts and circumstances of the present case and that the petitioner is only a member of



the gang and also the fact that there is no specific allegation levelled against the petitioners, the petitioners in the event of their arrest or surrender within four weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran in connection with Sonpur P.S. Case No. 1095 of 2024, subject to the conditions laid down under section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 .

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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