

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26172 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- ALAMNAGAR District- Madhepura

Sumit Kumar S/O Shambhu Mandal Resident of Village- Navtoliya, Ward No. 08, P.S- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-08-2025 Heard Mr. Uday Chand Prasad, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Alamnagar P.S. Case No. 429 of 2024 for the offence registered under sections 103(1), 3(5) of BNS and 27 of Arms Act lodged on 02.11.2024 by the informant, Ravi Kumar Sharma.

3. As per the prosecution story, the informant alleged that in the evening, while he was going to take water from the tube well, allegation is that unknown persons committed murder of his father. He had suspicion against named accused, namely Ashok Sharma, Angad Sharma, Anjan Sharma, Subodh Kumar, Amod Kumar and Suman Devi. This led to the FIR.

4. Subsequently, the investigation took place and



certain accused persons were picked up which included one Siddharth Kumar. He made a confessional statement in which he gave the name of this petitioner beside Dilkhush Kumar who became friend in petty offences. Later, one Dularchandra Mukhiya wanted them to execute some work on Diwali day. Accordingly, after the plan, they went to the place and in the midst of the sound of the crackers, Siddharth Kumar confessed that Dularchand and Dilkhush opened fire causing death of the informant's father. They thereafter escaped.

5. Learned Counsel for the petitioner submits that even going by the confessional statement, save and accept that the petitioner is/was having friendship with Dilkhush Kumar, though in the plan, he was there, allegation of opening fire is against Dularchand and Dilkhush Kumar. The FIR is there, he shall be facing trial, has no criminal antecedent, only nineteen years of age, in that background, he deserves relief.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that as per the confessional statement, Dilkhush was friend of this petitioner and allegation of opening fire is against Dilkhush.

7. Considering the submissions of the parties as also the facts as incorporated above, main role has been assigned to



Dilkhush Kumar and Dularchand Mukhiya, this petitioner is having no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 429 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

