

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27055 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- SANDESH District- Bhojpur

Rahul Kumar S/O- Anil Kumar Resident of Village- Phulari, P.S.- Sandesh,
District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30032 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- SANDESH District- Bhojpur

Sushil Yadav @ Sushil Kumar Son of Sikendra Singh Resident of Village-
Pulari, P.S.- Sandesh, District- Bhojur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27055 of 2025)
For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP
(In CRIMINAL MISCELLANEOUS No. 30032 of 2025)
For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 29-08-2025 Heard Mr. Bachan Jee Ojha, learned counsel for the

petitioners and Mr. Choubey Jawahar, learned APP for the State.

Perused the case diary.

2. The petitioners apprehend their arrest in connection

with Sandesh P.S. Case No. 233 of 2024 instituted for the

offences under Sections 310(2), 311 and 109 of the Bharatiya



Nyaya Sanhita, 2023.

3. As per prosecution case, the informant has alleged that she is the contractor of cluster number-18 of Sone ghat for extracting sand from the river. On the alleged date and time of occurrence, 5 to 7 accused persons entered the cluster and started assaulting the workers and also fired upon them, as a result, two workers, namely Sonu Kumar and Mukesh Kumar sustained injuries. It is further alleged that the accused persons also looked away Rs. 9,40,000/- in cash as also laptop and printer.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case and the allegation levelled in the FIR is false and concocted. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. No incriminating article has been recovered from the conscious possession of the petitioner. It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned



APP further submitted that the petitioners were identified in the CCTV footage and even as per injury report, two persons sustained bullet injuries and therefore, the involvement of the petitioners in the alleged occurrence cannot be denied, and therefore, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, there being ample material against the petitioners in the case diary, in my view, this is not a fit case for anticipatory bail, as such, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioners is, hereby, rejected.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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