

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28855 of 2025

Arising Out of PS. Case No.-1405 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Mausham Kumar @ Mausam Kumar @ Mausam Kumar Das S/o Mahesh
Tanti @ Mahesh Kumar Tanti @ Mahesh Kumar Das R/o Gandhi Path, Meer
Tola, Ward No. 7/38, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 126(2), 115(2), 118(1),
118(2) and 109 of BNS, 2023 and subsequently Section 103(1)
of BNS was added vide order dated 20.01.2025.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and is in custody since
21.12.2024 and the informant alleges that her husband had gone
to purchase biscuit from the shop of Md. Jamal on 18.12.2024 at
10:30 PM, it is next alleged that informant was informed by one
Sanu Ali that her husband has been assaulted, accordingly, she
reached the place of occurrence and found her husband lying on



the ground and blood was oozing from his head, thereafter he was taken to hospital from where he was referred to a higher center and thereafter was admitted in Medanta hospital, Patna where he died.

4. Learned counsel for the petitioner submits that FIR was instituted against unknown. It is next submitted that informant is not an eye witness to the occurrence nor Sanu disclosed to the informant that he saw any accused committing the occurrence, but then name of the petitioner transpired based on the statement of the witnesses recorded during the course of investigation. It is next submitted that statement of the father of Sanu Ali is recorded at Para-9 of the case diary, wherein he for the first time stated that he was informed by Sanu that petitioner was seen running with a rod after the occurrence was committed. It is thus submitted that if Sanu Ali was aware that it was petitioner who had committed the occurrence then why he did not disclose the said fact to the informant at the first instance when the FIR was instituted.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that from perusal of the allegations as alleged in the F.I.R., it would manifest that informant has not tried to implicate any person



rather the FIR was instituted against unknown and it was during the course of investigation that the name of the petitioner transpired. It is also submitted that the statement of the father of the petitioner was recorded at Para-14 of the case diary wherein he has supported the case of the prosecution. It is also submitted that from perusal of Para-14 of the case diary, it would manifest that the father of the petitioner has given a vivid description of the occurrence, it is thus submitted that when father of the petitioner himself has supported the case of prosecution whether it would be prudent for the Court to release the petitioner on bail.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to release the petitioner on bail.

7. Accordingly, the instant bail application stands rejected.

(Satyavrat Verma, J)

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