

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30524 of 2025

Arising Out of PS. Case No.-139 Year-2023 Thana- AGAMKUAN District- Patna

Shyam Kumar @ Gurujit Kumar, aged about 27 years, Gender-Male, Son of
Vinod Singh, Resident of Village- Marcha, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 139 of 2023 instituted for the offences
punishable under Sections 302, 120(B) of the Indian Penal Code
and Section 27 of the Arms Act.

3. Based upon the written report, it is alleged that
while the informant and his brother were returning to home
along with their friends on two motorcycles, in the meantime,
all the FIR named accused persons, including the petitioner and
some unknown persons intercepted them. It is further alleged
that Roushan Sharma, Anand Prakash @ Mukhiya Jee, Ram
Pravesh Mahto and Satyendra Singh fired upon the brother of



the informant, resulting into his instantaneous death. Further allegation has been levelled that while the informant tried to rescue his elder brother, co-accused Sunny Kumar, Munna Yadav @ Sanjay Kumar and this petitioner forbade him on the point of pistol and also made firing, but unfortunately, the same did not hit to anyone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. He submits that the petitioner did not have any enmity with the deceased or any friendship with any named persons in the FIR. He further submits that the petitioner is an agent of Saraswati Tour and Travel Agency at Bairiya bus stand and he has no concerned with the deceased. He next submits that similarly situated co-accused persons have been granted regular bail by a co-ordinate Bench of this Court. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 17.02.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary as produced by learned senior counsel for the petitioner, FIR and impugned order of the learned District and Additional Sessions Judge-1st,



Patna City, Patna dated 17.04.2025, it appears that on the basis of written report of the informant, FIR has been lodged under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act against seven accused persons including the present petitioner. Further the allegation has been levelled that while the informant tried to rescue his elder brother, co-accused persons namely Sunny Kumar, Munna Yadav @ Sanjay Kumar and the present petitioner forbade him on the point of pistol and also made firing, but fortunately, the same did not hit to anyone. Similarly situated co-accused persons namely Munna Yadav @ Sanjay Kumar and Sunny Kumar have been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. Nos. 9800 of 2025 and 33801 of 2024 vide orders dated 14.02.2025 and 26.07.2024, respectively, so considering all these aspects of the identical case and similarly situated co-accused persons have been granted regular bail by a co-ordinate Bench of this Court, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Patna City, Patna in



connection with Agamkuan P.S. Case No. 139 of 2023, subject to the following conditions:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take immediate steps for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Ramesh Chand Malviya, J)

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