

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35324 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- SABAUR District- Bhagalpur

1. Arjun Kumar S/O Prabhu Narayan Singh R/Village- Lailakh, P.S- Sabour, Distt.- Bhagalpur.
2. Mukesh Kumar S/O Kishore Mandal R/O Village- Rajoun, P.S- Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-06-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sabour P.S. Case No. 397 of 2024 instituted for the offence under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 140(1), 352, 351(4) & 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)(i), 9, 26, 35 & 27 of the Arms Act.

3. As per prosecution case, on 12-11-2024, when the informant along with the armed forces proceeded for morning patrolling then he got information that 20-25 miscreants reached with arms at *Lailakh Bahiyar* and started indiscriminate firing from the dam of *Shankarpur* on the villagers at Shankarpur and



in this course, one person has been kidnapped by the accused persons, namely, Sitaram Mandal with intention to kill him, who has also sustained injuries by the accused persons and when police party reached towards them, 15-20 persons having small and big weapons in their hands were crossing over the river on boat but informant surrounded them with the help of force upon which 12 persons were caught and many articles were recovered from the possession of the accused persons.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 13-11-2024. Petitioners bear no criminal antecedent/s, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. He further submits that no arms has been recovered from the conscious possession of the petitioners. Charge sheet is submitted in this case. Injury sustained by injured is found to be simple in nature. He further submits that there is general and omnibus allegation levelled against the petitioners and there is no specific allegation of overt act against the petitioners. Similarly co-accused persons have been granted bail by this Court vide order dated 24-04-2025, passed in Cr.



Misc. No. 22309 of 2025.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, there being no specific allegation against the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sabour P.S. Case No. 397 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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