

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36672 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Raju Kumar Son of Mukesh Kumar @ Mukesh Kumar Mahto R/o Village -
Alampur (Kodaria), P.S.- Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.

Mr. Brajesh Sahay, Adv.

For the State : Mr. Ram priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 29-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 126, 115(2), 109, 3(5) of the
B.N.S. and Sections 25 (1-B)a, 26, 27, 35

3. The prosecution case, according to the first
information report, is that when the informant went to a garden
he was intercepted by five persons who were having liquor there
and then the names of eight persons have been taken in the FIR
stating that they indulged in hurling abuses and assault and
subsequently when the villagers assembled, it is alleged that
accused Akhilesh Kumar and Raju Kumar, present petitioner
opened fire on the informant. The pistol was, however, snatched
away by the villagers.



4. Learned counsel for the petitioner submits that there is general and omnibus allegation on eight accused persons and it seems that there was some dispute in the garden as some people were taking liquor while some others were playing cricket match in the said garden. So far as the petitioner is concerned, although there is an allegation of opening fire along with another co-accused, no injury has been sustained by the informant or any one else. Further, it has been next submitted that FIR has been lodged with a delay of about 22 hours and the petitioner was handed over to the police by the local people subsequently on 18.03.2025 which is much after the institution of the FIR and no recovery has been shown from the petitioner. The seizure list would also show that one person namely, Arun Kumar Singh has produced the firearm which he claims to have snatched from the present petitioner. However, there is no substantial evidence with regard to the same. The petitioner is in custody since 18.03.2025 and he is a student. The petitioner is an accused in one another case under Excise Act in which, he is on bail.

5. Learned APP for the State has opposed the application for bail.

6. Considering the facts and circumstances of the



case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 45 of 2025.

(Soni Shrivastava, J)

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