

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37577 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Amlesh Kumar, Male, aged about 22 years, Son of Vishundev Das, Resident of Village- Bangra Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 08 of 2025 instituted for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 3(5) of the BNS, 2023.

3. As per the prosecution case, the allegation against the accused persons including the present petitioner is that they had attempted to commit murder of the son of the informant, after inviting him in a party and seriously injured him.

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 due to dirty village politics. He submits that the occurrence took place on 01.01.2025 and the written report was filed by the informant before the police



on 05.01.2025 and the delay for lodging of the FIR is almost about four days but there is no any plausible explanation in this regard. He further submits that informant is not the eye witness of the occurrence as stated by the injured persons. He next submits that it is apparent that there is no specific allegation against the petitioner. He lastly submits that the son of the informant and his friend Kundan Kumar met with an accident while driving his bike and the informant falsely implicate the petitioner, this fact is also clear from the statement of the injured Kundan Kumar. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 06.01.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary, injury report, postmortem report and impugned order of the learned 2nd Additional Sessions Judge, Muzaffarpur dated 15.04.2025, it appears that on the basis of written report of the informant namely Lalita Devi, FIR has been registered under Sections 126(2), 115(2), 118(1), 109, 3(5) of the BNS, 2023 against five accused persons (08-10) unknown including the present petitioner. During investigation Vivek Kumar and Kundan Kumar have been injured in this occurrence. From perusal of the



records, it also appears that there is no any independent witness, who has seen the occurrence. From perusal of the case diary in paragraph no. 48, that the statement of injured-cum-witness Kundan Kumar has been recorded and he has stated that after celebration of birthday party, left the place and on Bangra Ghat Bridge 2-3 persons came and assaulted them and he became unconscious. From perusal of the post-mortem report, it appears that the death was caused due to head injury and the doctor also found head injury as a result of blunt force trauma. Similarly situated co-accused persons namely Ashok Kumar and Kishan Kumar have been grant bail by a Co-ordinate Bench of this Court in Cr. Misc. Nos. 33786 of 2025 and 44343 of 2025 vide order dated 03.09.2025, so considering all these aspects of the case, 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 Judicial Magistrate-1st Class (West) Muzaffarpur in connection with Sahebganj P.S. Case No. 08 of 2025, subject to the following conditions:-

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Trial Court.

(iii) In case of absence of three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Ramesh Chand Malviya, J)

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