

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39604 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Manish Kumar @ Bholu S/o Amit Kumar Choudhary R/o Village - Dhepura,
Ward No 28, Under Nagar Parishad, Dalsinghsarai, PS- Dalsinghsarai, Distt-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Dalsinghsarai P.S. Case No.380 of 2024 registered for the
offence punishable under Sections 109, 309(6), 3(5) of the BNS,
2023 and under Section 27 of the Arms Act.

3. In paragraph-3 of this application, it has been
stated by the petitioner that the petitioner is an accused in
Dalsinghsarai P.S. Case No.388 of 2024 registered under
Sections 25(1-B)a, 26 and 35 of the Arms Act and also he is an
accused in the present case.

4. The prosecution story as per the FIR in brief is that



three unknown persons near Chandan Kumar (brother-in-law of the informant) and out of them one person shot the victim. They also took the laptop of Chandan Kumar and treatment of Chandan Kumar is going in Krishna Hospital, Samastipur.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed the offence as alleged in the FIR. Learned counsel further submits that the petitioner is not named in the FIR and also there is no specific allegation levelled against him. Learned counsel for the petitioner further submits that the petitioner has been implicated in this case on the basis of confessional statement made by the petitioner in another case, which is Dalsinghsarai P.S. Case No.388 of 2024 and using the confessional statement made in that other case he has been roped in the present case. Learned counsel further submits that the petitioner is in custody since 10.01.2025 and charge sheet has already been filed against the petitioner, thereby completing the investigation.

6. Learned APP opposes the prayer for grant of bail of the petitioner.

7. It is not in dispute that the petitioner is not named in the FIR and there is no specific allegation against him. It is also not in dispute that the petitioner has been made an accused



in the present case on the basis of confessional statement made by the petitioner in another case bearing Dalsinghsarai P.S. Case No.388 of 2024 and using that confessional statement the petitioner has been implicated in the present case. The petitioner has remained in custody since January, 2025 and the investigation has also completed by filing of the charge sheet. It has also been brought to the knowledge of this Court that the main accused Manish Kumar of Dalsinghsarai P.S. Case No.388 of 2024 has already been granted bail by a co-ordinate Bench of this Court by order dated 18.06.2025 passed in Cr. Misc. No.38077 of 2025.

8. Considering all these aspects of the matter I am inclined to grant bail to the petitioner.

9. The petitioner above named, is directed to be released 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 Dalsinghsarai P.S. Case No.380 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in



Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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