

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41068 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- MAHARAJGANJ District- Siwan

1. Sumit Kumar @ Sumit Kumar Singh Son of Late Sunil Singh Resident of Village- Lerua, P.S.- Maharajganj, District- Siwan
2. Umesh Singh Son of Late Daroga Singh Resident of Village- Lerua, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-11-2025 Heard Mr. Udit Narayan Singh, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Maharajganj P.S. Case No. 26 of 2025 instituted under Sections 109 and 60 of B.N.S. and 27 of Arms Act lodged on 18.01.2025 by the informant, Pradeep Kumar Yadav.

3. As per the prosecution story, the informant alleged that on a motorcycle, the accused persons (including the petitioners herein) came and resorted to indiscriminate firing which hit him. Thereafter, he was referred to referral hospital,



Siwan.

4. This Court has taken note of the petition preferred by the mother of the petitioner no.1 addressed to the SDPO, Maharajganj, Siwan, copy of which, was annexed as Annexure-3 in the present petition to show that proper investigation is needed and his son is innocent.

5. In that background, this Court on 09.07.2025, wanted the S.P., Siwan to look into the matter and file a counter affidavit on the said point.

6. A counter affidavit has been filed through Mr. Jitendra Kumar Singh, learned APP and he has taken this Court to paragraph-7 sub-paragraph (ii) (iv) which read as follows:

7. That in the light of the present Cr. Misc. petition and the above referred order of this Hon'ble Court a detailed report was called by this respondent from S.D.P.O., Maharajganj, Siwan, which was submitted vide letter no. 3204/sub, dated 16.09.2025, wherein the following facts have been mentioned:

II. As per memo no. 570/LS, dated 14.08.2025, issued by Superintendent



of Police, Siwan (this respondent), a fresh supervision report has been issued as per which the case has been found to be true u/s-109/3(5) of B.N.S. and 27 of Arms Act against unknown accused and regarding the involvement of accused (1) Sumit Kumar Singh (2) Umesh Singh (3) Niranjana Singh any decision can only be taken after further detailed investigation.

IV. In light of the application given by applicant Pratima Devi, the C.D.R. and tower location of mobile numbers of all the named accused was obtained and examined from the perusal of which the facts were found:-

A. From the perusal tower location of mobile no. 9801096746 belonging to accused Niranjana Singh it was found that his tower location on



18.01.2025, at 07:16 a.m. his tower location was found to be at Bhagwanganj, Jalalpur. From the perusal of C.D.R of above referred mobile number of the accused it was also found that he had not had any contact on the mobile phones of the other two accused Sumit Kumar Singh and Umesh Singh before or after the alleged incident.

B. From perusal tower location of mobile no. 9939880333 belonging to accused Sumit Kumar Singh it was found that on 18.01.2025, at around 06:34 a.m. his tower location was found to be at his house. From the perusal of C.D.R of above referred mobile number of the accused it was also found that he had not had any contact on the mobile phones of the other two accused Niranjana Singh and Umesh Singh before or after the



alleged incident.

C. From the perusal of tower location of mobile number 8294948201 belonging to the accused Umesh Singh it was found that on 18.01.2025 at around 06:41 a.m. his tower location was found to be at village Kachahri Kurd, Basantpur, Siwan. From the perusal of C.D.R of above referred mobile number of the accused it was also found that he had not had any contact on the mobile phones of the other two accused Sumit Kumar Singh and Umesh Singh from 15.01.2025 till the alleged date of incident on 18.01.2025.

7. Learned APP submits that a perusal of the counter affidavit shows that the case has been found true against unknown accused and so far as involvement of the present petitioners are concerned, any decision can be taken only after the detailed investigation. He submits that in the aforesaid



background, the petitioners do not have any apprehension which necessitated them to file this petition.

8. This Court endorses the submission put forward by the learned APP. In view of the aforesaid stand of the S.P., Siwan, the petitioners do not have any apprehension. In that background, learned counsel for the petitioners prays for withdrawal of the petition with liberty to file a fresh petition if the situation so arise.

9. Granting said liberty, the present petition is disposed of.

(Rajiv Roy, J)

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