

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42636 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- HARLAKHI District- Madhubani

Sudhanshu Kumar @ Sudhanshu Samrat S/o Shambhu Samrat Resident of
Village- Hatbariya, PS- Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thaku, Adv
Mr. Bhavesh Kuamr Sah, Adv
Ms. Archana Aanand, Adv
Mr. Sumit Kumar Singh, Adv
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 12-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Harlakhi P.S. Case No. 252 of 2024 registered for the offences
under Sections 103(1) and 3(5) of the B.N.S. and Section 27 of
the Arm Act.

3. As per the prosecution case, the informant has
alleged that the co-accused Shivam Kumar, in order to settle
some dispute with regard to an outstanding amount, forcefully
entered the house and an altercation took place and it is alleged
that Shivan Kumar Sah fired upon the son of the informant who
subsequently died.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has surfaced in the confessional statement of the co-accused Shivan Kumar Sah. It has been submitted that even from the reading of the confessional statement, no allegation of overt act has been alleged against the petitioner and it is not even the case of the prosecution that the pistol was handed over by the petitioner to Shivam Kumar Sah to commit such crime. It has lastly been submitted that the petitioner has clean criminal antecedent as stated in paragraph 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Harlakhi P.S. Case No. 252 of 2024 subject to the conditions as laid down under Section 482(2) of B.N.S.S. as well as 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, 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial

(Sourendra Pandey, J)

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