

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46352 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- SHANKARPUR District- Madhepura

Sandeep Kumar @ Pahalwan, aged about 23 years, Gender-Male, Son of Upendra Yadav, Resident of Village- Kabiyahi, Ward No. 11, P.S. Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ruchi Mandal, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Shankarpur P.S. Case No. 93 of 2024 instituted for the offences punishable under Sections 341, 323, 324, 307, 332, 333, 353, 224, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, petitioner and other co-accused persons assaulted the informant with an intention to kill 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. She submits that the police



personnels tried to defend themselves from the attack of 30-35 armed persons and in the process two of them received injuries on their lip and body. She further submits that the injuries caused to the police persons is also very doubtful as the alleged number of assailants were 30-35 in number and all of them armed with firearms and deadly weapons but the injury only includes a cut on the lip which is general and omnibus in nature. She lastly submits that there is no any independent witness of the place of occurrence. Petitioner is in custody since 01.10.2024.

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

6. From perusal of the FIR, case diary and impugned order of the learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, Madhepura dated 19.04.2025, it appears that there is no any independent witness of the occurrence, allegations are general and omnibus in nature and no any specific overt act against the petitioner and petitioner is in custody since 01.10.2024. Similarly situated co-accused persons namely Pappu Yadav, Bhogilal Yadav, Ripu Yadav and Kishore Kumar Yadav @ Nanka Yadav @ Namak Yadav have been granted regular bail by a Co-ordinate Benches of this Court



in Cr. Misc. Nos. 4904 of 2025, 31399 of 2025 and 72992 of 2024 vide orders dated 21.02.2025, 16.05.2025 and 08.10.2024, respectively, 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 A.C.J.M.-1st, Madhepura in connection with Shankarpur P.S. Case No. 93 of 2024, subject to the conditions:-

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

(b) The petitioner shall remain physically present in Court on each date of the Trial.

(c) In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar offence, the bail bond of the petitioner will be liable to be cancelled by the Trial Court.

(d) And further condition that the Trial Court 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 Trial Court 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.

(Ramesh Chand Malviya, J)

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