

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51260 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- ALOULI District- Khagaria

=====

Dilkhush Kumar S/O Lalo Yadav R/O Village- Shaharbanni, P.S- Alauli,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Alauli P.S. Case No. 159 of 2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 109 of the B.N.S. and sections 25(1-b)a, 26 and 27 of the Arms Act.

3. As per prosecution case, on 22.04.2025 informant's son and villager Hareram Yadav were coming and when they reached at Hatwan Purari Tola, co-accused Chandula Devi, called ten miscreants including the petitioner from outside who came on six motorcycles. It is alleged that at the behest of co-accused Chandula Devi, co-accused Rudal Yadav fired upon Hareram Yadav but he escaped unhurt and the said bullet hit the informant's son as a result of which informant's son sustained



injury. It is further alleged that petitioner is said to have apprehended by the villagers and the Police searched the house of co-accused Chandula Devi from where one country made pistol, one empty cartridge and four motorcycles were seized by the police.

4. Learned counsel for the petitioner submits that co-accused Chandula Devi has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 63933 of 2025. He further submits that co-accused Rudal Yadav who is said to have been made firing, has already been granted bail vide Cr. Misc. No. 67797 of 2025 by the Co-ordinate Bench of this Court. He further submits that petitioner has been apprehended by the villagers. No incriminating article has been recovered from the conscious possession of petitioner rather the alleged recovery has been made from the house of co-accused Chandula Devi and, hence, no offence is made out under section 109 of the BNS and section 25(1-B)a, 26, 27 of Arms Act against the petitioner. The allegation of firing is against co-accused Rudal Yadav and petitioner is merely a member of mob. No allegation of firing is attributed against the petitioner. Petitioner is having no criminal antecedent. Petitioner is in custody since 22.04.2025. Charge sheet has already been



submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that petitioner is FIR named accused. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, petitioner is merely a member of mob and no incriminating article has been recovered from the his conscious possession, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, **keeping in view clean antecedent of petitioner**, let the petitioner above named 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 learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 159 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

Ranjeet/-

U		T	
---	--	---	--

