

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54720 of 2025

Arising Out of PS. Case No.-406 Year-2023 Thana- KHAGAUL District- Patna

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Sikandar Mahto @ Sikandar Kumar @ Sikandar Singh S/O Biku Singh R/O
Village- Dallu Chak, Chargharwa More, PS- Khagul, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 341, 323, 307, 120B read
with 34 of the Indian Penal Code and Section 27 of the Arms
Act but later on Section 302 IPC was added.

3. The case of the prosecution is that the
informant's brother, Manish Kumar was called by his friend
Dhanu Kumar to attend a birth day party and where he went
with his friend Alok Kumar and Amit Kumar on a motorcycle
and on his way back, his ex-friend Sanshu Kumar and his father,
Sikkandar Mahto (petitioner) followed him and he was also



followed by one Bhoma alias Bhuma Kumar and when he crossed the HDFC bank at Cant road, the petitioner and Bhoma alias Bhuma Kumar fired at him repeatedly due to which he sustained injuries and, later on, succumbed during the treatment.

4. It is submitted by learned counsel for the petitioner, at the outset, that the prayer of the bail of this petitioner was earlier rejected vide order dated 02.08.2025 passed in Cr. Misc. No.41140 of 2024 on merits by a coordinate Bench of this Court. However, it is submitted that so far as the stage of the case is concerned, charges have been framed in this case on 13.06.2024 and, thereafter, not a single witness has been examined, which is also apparent from a report which had been called for by this Court with regard to the stage of the case. It is further submitted that there is delay in lodging the F.I.R. which is suggestive of the fact that the same has been done after due thought and deliberation after giving vivid details to the informant as the informant is not the eye witness of the occurrence and has made his statement on the basis of the information given by the friends of the deceased. It has also submitted that the very fact of indiscriminate firing on the deceased with no injury whatsoever to the other two friends who were on the same motorcycle does not inspire confidence and



seems to be not believable. It is only on the basis of some earlier dispute with the son of the petitioner, the petitioner has been made an accused in the present case. It is pertinent that co-accused, Shanshu Kumar alias Sansu Kumar, has already been granted bail on 19.04.2024 passed in Cr. Misc. No.7969 of 2024 by a coordinate Bench of this Court. The petitioner, who has no criminal antecedent, is languishing in custody since 05.12.2023.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the first information report.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that despite the charges having been framed on 13.06.2024, till date, no witness has been examined, thus, there is no likelihood of an earlier conclusion of the trial and the petitioner is languishing in custody since 05.12.2023 with no criminal antecedent, the above named petitioner is directed to be enlarged 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 Khagaul P.S. Case No.406 of 2023, subject to the conditions that :



(i) One of the bailors will be his own blood relative/family member.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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