

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51927 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- ALAMNAGAR District- Madhepura

Om Kumar S/O Pawan Mukhiya R/O Village- Mohanpur Chaumukh, ward
No.- 16, P.S- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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
Alamnagar P.S. Case No. 22 of 2025 registered for the offences
punishable under Sections 309(6) of B.N.S. and 27 of the Arms
Act.

3. As per prosecution-case, on 16.01.2025 at about
06:30 p.m., informant and his cousin brother were returning
home from Murout fair on an Apache motorcycle. When they
reached near Itahari school, they were attacked by three boys,
aged between 20 to 22 years, whose faces were covered with
mask and muffler and they demanded the key of the motorcycle
and upon refusal they started scuffle with the informant and his
brother. It is alleged that all the three boys stabbed in the



stomach of the informant and his brother and it is also alleged that informant and his cousin brother sustained injury by the 2nd or 3rd round of firing. It is alleged that informant's cousin brother sustained injury in his right arm and it is further alleged that one boy ran away on his motorcycle and two boys ran away with the Apache motorcycle of the informant.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He has been remanded in this case from Alamnagar P.S. Case No. 25 of 2025 on 18.03.2025 and since then he is in custody. Petitioner is having criminal antecedent of two cases in which petitioner is already on bail. Except his self confessional statement in Alamnagar P.S. Case No. 25 of 2025, there is nothing on record to connect the present petitioner with the alleged occurrence and no T.I.P. was conducted up till now. No incriminating article has been recovered either from the house or from the conscious possession of the petitioner. Hence, no offence under Section-309(6) of B.N.S. is made out against the petitioner.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail and submitted that the petitioner has been remanded from Alamnagar P.S. Case No. 25 of 2025 and he has



already admitted his guilt in the said case and he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, period of custody, charge-sheet has already been submitted, there is no likelihood of tampering with the prosecution evidence, no incriminating article has been recovered from conscious possession of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 J.M. 1st Class, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 22 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)

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