

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50074 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- HATHUA District- Gopalganj

Aman Kumar @ Aman Chandrabanshi Son of Pratap Singh @ Pratap Chandrabanshi R/O Vill- Sohagpur, P.S.- Hathua, Distt.- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50086 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- HATHUA District- Gopalganj

Rahul Singh @ Rahul Kumar @ Buchi S/o Chandeshwar Singh @ Chaneshar Rai R/o Village- Sohagpur, P.S.- Hathua, Dist.- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50127 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- HATHUA District- Gopalganj

Akash Kumar @ Akash Patel Son of Virendra Prasad @ Birendra Prasad @ Birendra Patel Vill -Sohagpur Ps -Hathua Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52657 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- HATHUA District- Gopalganj

Sager Patel S/o Mahesh Patel R/o Village- Manichhaper, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50074 of 2025)

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 50086 of 2025)

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray,APP

(In CRIMINAL MISCELLANEOUS No. 50127 of 2025)

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

(In CRIMINAL MISCELLANEOUS No. 52657 of 2025)

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Mr.Anish Chandra,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioners are in judicial custody in connection with S.Tr. No. 249 of 2025 arising out of Hathua P.S. Case No. 01 of 2025 for the offence punishable under Sections 191(1), 191(2), 190, 115(2), 118(1), 118(2), 117(2), 109, 352, 351(4) of the Bhartiya Nayay Sanhita, 2023 lodged on 03.01.2025 by the informant, Raushan Kumar.

3. As per the prosecution story, the informant alleged that he had gone to the sweet shop at Hathua Bazar to purchase sweets when the named accused (petitioners herein) started assaulting him. The allegation against Aman Kumar @ Aman Chandrabanshi (Cr. Misc. No. 50074 of 2025) is of giving repeated knife blow on his head, neck and face. Rahul Singh (Cr. Misc. No. 50086 of 2025) opened fire and as the informant



tried to save himself, it hit Ajit Kumar Thakur, an employee of the sweet shop. He (informant) fell on the ground whereafter, omnibus allegation of assault is of all the accused persons and there is allegation of order giver to assault on Akash Patel (Cr. Misc. No. 50127 of 2025) whereafter, Sager Patel (Cr. Misc. No. 52657 of 2025) opened fire which crossed his ear. The informant became unconscious and upon regaining consciousness, he found himself in the hospital.

4. Once CCTV footage were shown, he could see that they were present earlier and under conspiracy wanted to kill him. This led to the FIR.

5. Learned counsel for the petitioners submit that so far as Akash Patel is concerned, allegation of order giver is there against him, exaggerated FIR is there where opening of fire has been attributed to two of the petitioners, Rahul Singh and Sager Patel while repeated assault theory is on Aman Chandrabanshi which is/are far from the truth.

6. Learned APP on the other hand has again taken to the FIR to show that there is specific allegation against all the accused persons and their respective roles.

7. Taking into account the submissions of the parties as also the allegation that has come against Aman



Chandrabanshi, Rahul Singh and Sager Patel, their bail petitions for the present stand rejected.

8. So far as the petitioner, Akash Kumar @ Akash Patel is concerned, no overt act has been alleged to him save and except he exhorted the others to open fire, is in custody since 28.01.2025, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge-XII, Gopalganj, in connection with S.Tr. No. 249 of 2025 arising out of Hathua P.S. Case No. 01 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member of the Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) who shall provide official document to show his/her bona fide;

(ii) the Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the Akash Kumar @ Akash Patel (Cr. Misc. No. 50127 of 2025) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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