

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53248 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- PHULWARISHARIF District- Patna

Mantu Kumar S/o Umesh Yadav R/o Village- Bhawani Bigha, P.S.-
Chiksaura, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate
Mr. Mudit Meet, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 15-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 28 of 2025 registered for the alleged offences under Sections 310(4), 310(5), 121(2), 121(1), 109, 132 and 352 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the informant received information about assembly of a gang of criminals who were intending to commit big robbery and dacoity. The place was surrounded but the miscreants opened fire on the police party. In retaliatory fire, two miscreants received injuries and this



petitioner was apprehended while trying to escape from the spot. Other co-accused persons fled away from the spot who were subsequently named by this petitioner for also being involved in the occurrence. The miscreants who received gunshot injuries, later on, died.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no role in the whole occurrence and nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is said to be the driver of the pick-up van in question and he was on his way to load some goods. The police, under some misapprehension, intercepted the van with two persons and made up this story. Even the injury report of the police personnel stated to have received injuries from the firing made by the miscreants has not been brought on record. Learned counsel further submits that the petitioner was having clean antecedent prior to lodging of the present case but after lodging of the presents case, he has been made accused in altogether 11 cases and a supplementary affidavit has been filed in this regard. The petitioner is in custody since 08.01.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission



made on behalf of the petitioner. Learned APP submits that the petitioner and other miscreants fired upon the police party and in retaliatory fire two miscreants died. The petitioner appears to be a habitual offender and is having a long criminal history.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that nothing incriminating has been recovered from the person or possession of the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-VI, Patna City, Patna/court concerned in connection with Phulwarisharif P.S. Case No. 28 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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