

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52579 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- MUSAHARI District- Muzaffarpur

1. Raushan Kumar @ Nishant Kumar S/O Pawan Patel @ Pawan Ray R/O Village- Bankul, Chhpara, Chapra Megh Rai, P.S.- Mushahari, District- Muzaffarpur
2. Ranjeet Kumar @ Tiyai S/O Late Ashok Patel R/O Village- Bankul, Chhpara, Chapra Megh Rai, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the State	:	Mr. Rana Randhir Singh, A.P.P.
For the Informant	:	Mr. Saket Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-08-2025 Heard Mr. Yugal Kishore, learned counsel for the petitioners, Mr. Saket Tiwary, learned counsel for the informant and Mr. Rana Randhir Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mushahari P.S. Case No. 96 of 2025, F.I.R. dated 07.05.2025 for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. According to prosecution case, on 06.05.2025 at about 08:30 P.M., the informant's nephew Mithilesh Kumar sustained firearm injuries and was declared dead at Parasar



Hospital. It is alleged that Mithilesh had gone to the house of petitioner no. 2 for a Puja feast, after which Anshu Kumar took him to door of Basant Paswan, where accused Anuj Kumar, Param Ram Sharma @ Chintu, Ranjeet Kumar @ Tiyai (petitioner no. 2) and Nishant Kumar (petitioner no. 1), in conspiracy abused and pushed him. On Chintu's order to kill, Anuj Kumar allegedly handed a pistol to Anshu Kumar, who fired at Mithilesh, causing his death and all accused fled from the scene.

4. Learned counsel for the petitioners submits that the petitioner no. 1 has clean antecedent and petitioner no. 2 has one case other than the present one but he is on bail in the pending matter. As per allegation in the F.I.R., the occurrence took place near the house of the petitioner no. 2 and one Anuj Kumar has provided the pistol to his brother, namely, Anshu Kumar and Anshu Kumar has fired upon the victim in his chest. Learned counsel for the petitioner further submits that although the petitioners are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault, overt act and firing attributed against the petitioners rather specific allegation of firing attributed against the co-accused person, namely, Anshu Kumar and co-accused, Anuj



Kumar has provided the arms in question.

5. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and submits that petitioners are involved in present crime in question, apart from that petitioner no. 2 carries one case other than the present one but fairly submits that he is on bail in the pending matter.

6. Considering the aforesaid facts, there is no specific allegation of assault, overt act and firing attributed against these petitioners rather specific allegation of firing is attributed against the co-accused person, Anshu Kumar and co-accused, Anuj Kumar has provided the pistol in question, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, East, Muzaffarpur in connection with Mushahari P.S. Case No. 96 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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