

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55349 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- MADHUBAN District- East Champaran

Jitendra Kumar @ Jitendra Sahani son of Mukhlal Sahani Resident of Village-
Kanspakari, P.S. -Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-12-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Madhuban P.S. Case No. 290 of 2024 registered for the offence punishable under Sections 238 and 3(5) of the BNS and Section 25(9)/27 of the Arms Act. Later on it was converted in Sections 238/103/61 of the BNS and Sections 25(1-b)a/26/27/25(9) of the Arms Act.

3. As per the allegation made in the F.I.R., all the accused persons including the petitioner in a drunken state started firing in the air in a marriage ceremony where one bullet got hit to Lucky Kumar who sustained injury.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the case due to enmity. The name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused Raja Kumar, which has no evidentiary value in the eye of law. Petitioner has clean antecedent. Co-accused Arvind Kumar @ Rijahn against whom similar allegation has been alleged has been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 15.05.2025 passed in Cr. Misc. No. 13269 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made against the petitioner and the fact that the name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused Raja Kumar and similarly situated co-accused Arvind Kumar @ Rijahn has been released on pre-arrest bail by a co-ordinate Bench of this Court, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Madhuban P.S. Case No. 290 of



2024, subject to the condition as laid down under Section 438(2)
Cr.P.C / 482(2) BNSS.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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