

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9968 of 2025**

Arising Out of PS. Case No.-56 Year-2024 Thana- SAHARGHAT District- Madhubani

Hariom Kumar Son of Late Shiv Shankar Prasad @ Shiv Shankar Sah village-  
Kerwa, Ps- Saharghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 61672 of 2025**

Arising Out of PS. Case No.-56 Year-2024 Thana- SAHARGHAT District- Madhubani

Jalandhar Das S/o- Malik Das Resident of village ward No- 06 Basuki Bihari  
PS-Madhwapur District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 9968 of 2025)  
For the Petitioner/s : Mr. Ansul, Sr. Adv  
: Mr. Uday Kumar Mahto, Adv  
: Mr. Ranjit Kr. Thakur, Adv  
: Mr. Nachiketa Jha, Adv  
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP  
For the Informant : Mr. Jagjit Roshan, Adv  
: Mr. Anjani Kumar, Adv  
: Mr. Shashank Shekhar, Adv  
(In CRIMINAL MISCELLANEOUS No. 61672 of 2025)  
For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv  
For the Opposite Party/s : Dr. Ajeet Kumar, APP  
For the Informant : Mr. Jagjit Roshan, Adv  
: Mr. Anjani Kumar, Adv  
: Mr. Shashank Shekhar, Adv

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

11    25-09-2025                      CRIMINAL MISCELLANEOUS No. 9968 of 2025

Heard learned senior counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.



2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 56 of 2024 registered for the offences under Sections 103 and 61(2) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 05.07.2024.

4. As per FIR, petitioner along with four unknown persons and one Santosh Kumar came to the house of informant and open fired upon father of informant due to which he died on spot.

5. Mr. Ansul, learned senior counsel appearing on behalf of the petitioner submitted that informant, who is none but the son of this petitioner claimed through FIR being an eye-witness of the occurrence, where specific allegation against this petitioner was raised as to shot bullet on the chest of his father leading to his death, but interestingly during the course of investigation he recorded his statement under Section 161 of the Cr.P.C., which is available in para no. 13 of the case diary, where he categorically stated that petitioner was only conspirator, and one unknown person fired upon his father. He failed to disclose the name of person who caused fatal firearm injury to his father. It is also stated by him that her mother may disclose the name of real



assailant. It is also pointed out that on the same very day statement of mother of informant namely Asha Devi was recorded which is available in para no. 15 of the case diary, where she failed to disclose the name of real assailants who caused fatal firearm injury upon deceased that is father of the informant. It is pointed out that in view of these statements, the allegation as raised through FIR against petitioner appears doubtful. While concluding the argument it is submitted that, petitioner found involved in two more criminal cases, first is of excise and another case lodged under Section 414 of the IPC, where police submitted closure report against petitioner and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Statements of informant and wife of deceased as discussed aforesaid was video graphed by the concerned I.O., which was brought before this court in pendrive and was displayed in open court, where it appears that statements as discussed aforesaid are consistent with the versions available in video.

7. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail could not disputed aforesaid factual submission as advanced by learned senior counsel for the petitioner as mentioned



aforesaid. However, he submitted that petitioner was one of the main conspirator behind the occurrence.

8. In view of aforesaid factual submission and by taking note of fact as petitioner prima-facie appears one of the conspirator, where allegation as raised against him to cause fatal firearm injury on chest of the deceased appears doubtful in view of statement of informant as recorded under Section 161 of the Cr.P.C. as discussed aforesaid, coupled with the fact as petitioner remains in custody since 05.07.2024, accordingly above named petitioner, is directed to be released on bail in connection with Saharghat P.S. Case No. 56 of 2024 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. 1<sup>st</sup> Class, Benipatti, Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

**(i)** If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bold of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

**(ii)** Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner



duly supported by the documents.

9. Presence of I.O. is dispensed with. Pen drive is also handed over to I.O.

CRIMINAL MISCELLANEOUS No. 61672 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 56 of 2024 registered for the offences under Sections 103 and 61(2) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 29.04.2025.

4. As per FIR, petitioner along with four unknown persons and one Santosh Kumar came to the house of informant and open fired upon father of informant due to which he died on spot.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner transpired in the present case on the basis of confessional statement of co-accused Hariom Kumar, in furtherance of which no incriminating material recovered/surfaced during the course of investigation which may connect this petitioner prima-facie with the present occurrence of



murder. It is also submitted that petitioner was also not put on TIP as yet. While concluding the argument it is submitted that, petitioner found involved in six more cases, where in five cases he found involved in excise case and last one is related with Section 394 of the IPC, where he is on bail in all cases and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that in terms of confessional statement of co-accused Hariom Kumar, petitioner actively found involved in the occurrence.

7. In view of aforesaid factual submission and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused Hariom Kumar nothing incriminating appears as to connect petitioner with the present occurrence of murder, coupled with the fact as petitioner remains in custody since 29.04.2025, accordingly above named petitioner, is directed to be released on bail in connection with Saharghat P.S. Case No. 56 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Principal Sessions Judge,



Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

- (i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bold of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

8. Presence of I.O. is dispensed with. Pen drive is also handed over to I.O.

S.Tripathi/- (Chandra Shekhar Jha, J)

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