

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74365 of 2025

Arising Out of PS. Case No.-609 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Vivek Kumar S/O Kharakan Yadav R/O Village- Sisai, Ward No.-10, P.S-
Saharsa, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 609 of 2025 registered for the offences punishable under Sections 109, 61(2), 3(5) of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, four miscreants on two motorcycles came and started indiscriminate firing upon the informant's brother as a result of which informant's brother sustained gun shot injuries and FIR was lodged against unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR and during the course of investigation, the name of the petitioner has been transpired in



this case upon the confessional statement of co-accused Sumitesh Kumar. Except confessional statement of said co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel orally submits that no TIP has been conducted up till now. Learned counsel submits through para 9 of the instant petition that co-accused Sumitesh Kumar gave the name of the petitioner on account of previous enmity and the investigating officer checked the CCTV camera in which photo of said co-accused was seen only. In this way, the allegation levelled against the petitioner is only on the basis of confessional statement of said co-accused which has no meaning at all in the light of the statutory provisions. Petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case. Petitioner is in custody since 31.05.2025 and he bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the name of



the petitioner has been transpired in this case upon the confessional statement of co-accused Sumitesh Kumar. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 609 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date without fail, failing which the prosecution will be at liberty to move for cancellation of bail.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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