

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75022 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- SARE District- Nalanda

Mukesh Kumar S/o Shree Mahto R/o Village- Damchak, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan, Advocate

For the State : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Rajiv Nayan, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sare P.S. Case No. 103 of 2024, F.I.R. dated 11.10.2024 registered for the offences punishable under Sections 190, 191(2), 191(3), 127(1), 115(2), 109, 352, 351(2) of B.N.S., 2023 and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons have assaulted the informant by fists, slaps, lathi, danda and rod due to which he sustained injuries and accused Sarbottam Kumar and Lalu Bind fired on him causing injury on his hand, back and other part of the body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. From perusal of the F.I.R., it appears that the



petitioner is named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner that he along with other co-accused persons have assaulted to the informant and some other persons. As far as the firing is concerned, the allegation of firing attributed against co-accused person namely Sarbottam Kumar and Lal Bind.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that he has participated in the present crime in question and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case that there is no allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-X, Bviharsharif, Nalanda in connection with Sare P.S. Case



No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

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(Rajesh Kumar Verma, J)

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