

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74844 of 2025

Arising Out of PS. Case No.-331 Year-2024 Thana- BALIYA District- Begusarai

Monu Kumar S/o Maheshwar Rai R/o Village - Sadanandpur, P.S - Ballia,
District - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 31-10-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 109(1), 118(2), 3(5)
of B.N.S. and 27 of Arms Act.

3. This is the second bail application of the petitioner
as the previous application in which the petitioner was granted
bail vide order dated 20.06.2025 passed in Cr. Misc. No. 37378
of 2025 was allowed with the condition that the learned Court
below shall verify the criminal antecedent. It has been submitted
that because of such condition it was subsequently found that
the petitioner had three criminal antecedents, however it had not
been disclosed on the previous occasion and in view of such
error, the bail bonds of the petitioner was not accepted. Hence,



the present application has been filed.

4. The prosecution case is to the effect that the informant came to know that some persons had come from Balachak and they informed that the brother of the informant sustained firearm injury on his chest. It was further informed that a dispute arose between Mohan Yadav and Karul Kumar near the sweet shop in which there was a cross firing between two groups and the other persons including petitioner i.e. Monu Kumar was also involved in the exchange of firing. The informant has alleged that his brother Devdutta Kumar was hit by bullet during such firing between two groups.

5. The Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no specific allegation of assault has been leveled against the petitioner. It has been stated that there is general and omnibus allegation of firing between two groups. It has also been submitted that during the investigation several witnesses have stated that due to the darkness no person could be identified, those who were involved in the firing. It is also submitted that similarly situated co-accused persons, namely, Angad Mahto and Mohan Yadav have already been granted bail by this Court vide order dated 19.05.2025 passed in Cr. Misc. No. 31773 of 2025. It has also



been submitted by the learned counsel that the injured Devdutta Kumar was also examined by the Investigating Officer and the said injured has also not named the petitioner or anybody else to be involved in the alleged incident. Lastly, it has been submitted that the petitioner is in custody since 02.02.2025.

6. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner along with other co-accused persons is alleged to have fired and caused injury to the brother of the informant.

7. Considering the aforesaid submissions made by the parties and taking into account the fact that the allegation is general and omnibus in nature and no specific allegation has been attributed against and also taking into account the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai, in connection with Ballia P.S. Case No. 331 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive



dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

8. The application stands allowed.

(Sourendra Pandey, J)

AjayMishra/-

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