

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74903 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- KOILWAR District- Bhojpur

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Mukesh Kumar S/O Late Hareram Ray Resident of Village- Kuberchak,
Dhandeeha, P.S.- Koilwar, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Akanksha Malviya, Adv.

For the State : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Koilwar P.S. Case No. 56 of 2025 registered for the offences
punishable under Sections 109, 3(5) of BNS, 2023 and Section
27 of the Arms Act.

3. As per prosecution case, on 17.02.2025 three
unknown boys fired upon the informant which hit on his
abdomen. It is further alleged that unknown boys again fired on
the informant which hit near the left elbow of informant.
Hence, FIR has been registered against three unknown boys.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The alleged occurrence took place on 17.02.2025, petitioner is not named in the FIR and his name transpired upon confessional statement of co-accused Kundan Kumar @ Pankaj Kumar Yadav on 05.03.2025 which is much later from the occurrence. Learned counsel further submits that confessional statement before the police has no evidentiary value in the eye of law. Learned counsel further submits that petitioner is in custody since 18.04.2025. Petitioner 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. Learned counsel further submits that co-accused Kundan Kumar @ Pankaj Kumar Yadav upon whose confessional statement name of the petitioner transpired, has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 76396 of 2025 and case of present petitioner stands on better footing and hence, petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that name of petitioner has been surfaced upon the confessional statement of



co-accused Kundan Kumar @ Pankaj Kumar Yadav and hence, he does not deserve bail.

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, co-accused has already been granted bail by a co-ordinate Bench of this Court, 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 IInd Additional Sessions Judge, Bhojpur at Ara in connection with Koilwar P.S. Case No. 56 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 all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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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