

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76189 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- KONCH District- Gaya

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Roushan Kumar S/O Umesh Sharma R/O Village - Makhdumpur, P.S- Konch,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Perna Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Perna Anand, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Konch P.S. Case No. 259 of 2025, F.I.R. dated
06.05.2025 for the offences punishable under Sections 126(2),
115(2), 109, 352, 3(5) of the Bhartiya Nyay Sanhita, 2023 and
Section 27 of Arma Act.

3. As per the First Information Report, on 06.05.2025,
while the informant was sitting at his house, the petitioner along
with other co-accused persons came there and started
abusing and firing upon and in the incident father of the
informant, his uncle, sister and other relatives sustained injuries.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. There is case and counter case between the parties. Although there is specific allegation of firing attributed against the petitioner but from bare perusal of the forensic examination report it suggest that the allegation as mentioned in the FIR is not supported by the forensic evidence and as far as injury is concerned, the doctor has not found any fire arm injury on the body of the injured persons and injury sustained by them is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and there is case and counter case and the forensic examination report does not support the case of the prosecution and the injury inflicted upon the injured persons is simple in nature, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VIII, Gaya in connection with Konch P.S. Case No. 259 of 2025, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

ii. 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.

iii. 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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