

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84828 of 2025**

Arising Out of PS. Case No.-42 Year-2025 Thana- NAUHATTA District- Saharsa

Kaushal Kumar S/o Umesh Yadav Resident of Village - Jharba, P.S - Bheja,  
District - Madhubani, presently R/o - Partaha, P.S - Darhar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.  
For the Opposite Party/s : Mr.Rajesh Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      10-12-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Nawhatta P.S. Case No. 42 of 2025, registered for the offences under Sections 126(2), 109, 352, 351(2), 3(5) of the BNS.

3. As per the prosecution case, three masked persons shot at twice in the right leg of the informant and two shots aimed at his abdomen missed the target. The name of the petitioner transpired during investigation as the petitioner has threatened the informant a few hours before that he will be shot at.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been

falsely implicated in this case. Learned counsel further submits that the allegation is completely vague and there is no material to show the involvement of the petitioner in the whole occurrence. Moreover there is no specific allegation of fire against this petitioner. During investigation co-accused Abtu Kumar was arrested with country made pistol and two live cartridges who disclosed that the informant was injured by the same pistol and also stated about complicity of this petitioner along with other co-accused Sunil Kumar and Manish Kumar but the injury report does not show any firearm injury though fracture of tibia has been mentioned. Learned counsel further submits that co-accused Manish Kumar and Sunil Kumar have been granted bail vide orders dated 11.08.2025 and 27.08.2025 passed in Cr. Misc. No. 53225 of 2025 and Cr. Misc. No. 58470 of 2025, respectively by a Co-ordinate Bench of this Court. Coaccused Abtu Kumar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 08.09.2025 passed in Cr. Misc. No. 61772 of 2025. The case of the petitioner is on a much better footing as no recovery has been made from the petitioner of any incriminating article. The petitioner is in custody since 23.08.2025 and charge sheet has been submitted. The petitioner is having antecedent of one case in which he is on

bail.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and grant of bail to similarly placed co-accused persons and also considering the period of custody of the petitioner and submission of charge sheet against him, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Saharsa/concerned court, in connection with Nawhatta P.S. Case No. 42 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a 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 three

consecutive dates or in violation of the  
terms of the bail, the bail bond of the  
petitioner will be liable to be cancelled  
by the court concerned.

**(Arun Kumar Jha, J)**

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