

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1368 of 2026

Arising Out of PS. Case No.-411 Year-2025 Thana- ATHMALGOLA District- Patna

1. Mukesh Kumar S/O Binod Ray R/O Village- Ganjpar, P.S.- Athmalgola, District- Patna.
2. Sukesh Kumar S/O Binod Ray R/O Village- Ganjpar, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Kumar, Advocate

For the State : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Athmalgola P.S. Case No. 411 of 2025 registered for the alleged offences under Sections 191(2), 191(3), 190, 132, 109(1), 324(4), 303(2) of B.N.S.

03. As per prosecution case, in a drive against purchase, transportation and use of illicit liquor, raids were being conducted by the police party. At one place, the police team found 4-5 persons creating commotion and two persons were apprehended. When they were being tested by breath



analyzer machine, they snatched brain analyzer machine from the police team and called out 15-20 persons, who attacked the police party with stones and bricks and snatched one mobile phone from them. Petitioner Mukesh Kumar is stated to be one of the apprehended persons, who fled away along with others when the police team was attacked. The name of petitioner Sukesht Kumar transpired during investigation for also being involved in the said occurrence.

04. Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. From the rejection order of bail of these petitioners, it transpires the breath analyzer machine was snatched by co-accused Mantu Kumar, who threw it in river Ganga. Petitioner Sukesht Kumar was not named in the FIR and his name came up in the confessional statement of petitioner Mukesh Kumar but such statement has no sanctity and it is not believable that petitioner Mukesh Kumar would name his brother for being involved in the said occurrence. Apart from general and omnibus allegation, there is no other allegation against these petitioners. The petitioners have got no criminal antecedent. The petitioners are in custody since 14.11.2025 and charge sheet has been submitted.



05. Learned APP opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and non-specific nature of allegation against the petitioners and further considering the period of custody of the petitioners, their clean antecedent and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, District - Patna/concerned Court in connection with Athmalgola P.S. Case No. 411 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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