

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3613 of 2026

Arising Out of PS. Case No.-258 Year-2025 Thana- BHELDI District- Saran

Raushan Kumar S/O Brij Ray Resident of Village- Kharidahan Apahar, P.S.-
Bheldi, Dist.- Chapra, Saran, Bihar- 841402

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3990 of 2026

Arising Out of PS. Case No.-258 Year-2025 Thana- BHELDI District- Saran

Munna Kumar @ Munna Rai son of shri Shatrudhan Ray Resident of Village-
Gopalpur, PS- Bheldi, Dist- chapra at Saran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3613 of 2026)

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Ms. Shashi Priya, Advocate
Mr. Amarshakti, Advocate
Ms. Riya Raj, Advocate
Mr. Arya Achint, Advocate
Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP
Mr. Amitesh Kumar, Advocate
Mr. Madhukar Anand, Advocate
Mr. Shubham Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 3990 of 2026)

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Ms. Shashi Priya, Advocate
Mr. Amarshakti, Advocate
Ms. Riya Raj, Advocate
Mr. Arya Achint, Advocate
Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP
Mr. Amitesh Kumar, Advocate
Mr. Madhukar Anand, Advocate
Mr. Shubham Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 24-02-2026 Since both the cases arise out of the same police
station case, they have been heard together and are being
disposed of by this common order.



2. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioners seek regular bail in Bheldi P.S Case No. 258 of 2025 dated 02-10-2025 registered under Section 61(2), 103(1), 3(5) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 25(1-b)(a), 26, 35 and 27 of the Indian Arms Act.

4. The prosecution case, in brief, is that on 02.10.2025 at about 12:00 PM, co-accused Golu Kumar Sah and Shravan Kumar called the informant's brother, Rahul Pandey to Jalalpur Chowk on the pretext of settling a dispute, where Munna Kumar (petitioner in Cr. Misc. No. 3990 of 2026), Suraj Kumar, Prem Kumar, and Roshan Kumar (petitioner in Cr. Misc. No. 3613 of 2026) were present. Thereafter, the informant's brother left in a four-wheeler along with Suraj Kumar Pandey. About two hours later, the informant received information that both had been shot. While going to the place of occurrence, the informant saw co-accused Golu Kumar Sah and Suraj Kumar fleeing on a motorcycle. At the scene, the informant's brother was found lying in the vehicle in a pool of blood. A country-made pistol, empty cartridges and the vehicle involved were seized by the police.



5. Learned senior counsel for the petitioners submits that the petitioners in both cases are innocent and they have been falsely implicated due to previous enmity between the parties. It is further submitted that the informant is not an eye-witness to the alleged occurrence. According to the informant's own statement, after reaching the place of occurrence, he only saw the co-accused, Golu Kumar Sah and Suraj Kumar fleeing from the spot on a motorcycle. Learned senior counsel further submits that apart from the alleged confessional statement of co-accused Golu Kumar and the Call Detail Records (CDR) of the petitioners, as mentioned at paragraph no. 48 of the case diary, there is no other incriminating material available in the case diary against them. There is no independent eye-witness to the occurrence. It is next pointed out that the informant as well as the deceased have several criminal antecedents. Lastly, it is submitted that the petitioners have no criminal antecedents and have been in judicial custody since 04.10.2025.

6. Learned counsel for the informant and learned Additional Public Prosecutor for the State have opposed the prayer for bail. It is submitted that the materials collected during the course of investigation indicate that the petitioners were in continuous contact, on the date of the occurrence as well as prior



thereto with the other accused persons. It is further submitted that the tower location of the petitioners along with that of the other co-accused, places them near the scene of occurrence on the alleged date of the occurrence. It is also submitted that as per the confessional statement of co-accused Golu Kumar, petitioner Munna Kumar (Cr. Misc. No. 3990 of 2026) is alleged to have supplied the arms used in the commission of the offence.

7. Having considered the submissions of the parties and on perusal of the case diary, this Court finds that apart from the confessional statement of co-accused Golu Kumar and the Call Detail Records of the petitioners, as mentioned at paragraph no. 48 of the case diary, indicating contact with other accused persons, there is no substantive material directly connecting the petitioners with the alleged occurrence. Admittedly, there is no eye-witness to the occurrence and the informant himself has not disclosed the name of any petitioner as having fled from the place of occurrence. It is also relevant to note that the petitioners have no criminal antecedents and have remained in judicial custody since 04.10.2025. In the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners in both cases.

8. Let the petitioners of both the cases be released on



bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Saran at Chapra, in connection with Bheldi P. S. Case No. 258 of 2025, subject to the following conditions:-(i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

9. Both the applications stand allowed.

(Khatim Reza, J)

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