

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4762 of 2026

Arising Out of PS. Case No.-140 Year-2025 Thana- NAGARNAUSA District- Nalanda

Jag Mohan Kumar Son of Bihari Prasad Resident of Village and P.S.-
Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2026 Heard Mr. Anil Kumar Singh, learned counsel for the
petitioner and Mrs. Rina Sinha, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 17.07.2025, in connection with Nagarnausa P.S. Case No. 140 of 2025, F.I.R. dated 14.06.2025 registered for the offences punishable under Sections 103(1), 61(2) of the B.N.S. 2023 and Sections 25(1-b) (a), 26, 27, 35 of the Arms Act.

3. As per the prosecution case, the deceased, Kundan Kumar is said to have received a phone call from the co-accused, Shashi Bhushan asking him to come to his office. The informant further alleged that she received information that her husband had been shot. She has alleged that when she rushed to the place of occurrence along with her family members, she saw the named accused persons including the petitioner, all armed



with firearms fleeing from the place of occurrence. It is further alleged that the co-accused, Neeraj Kumar while fleeing was shouting that he had killed the deceased and threatened to dire consequences.

4. Learned counsel for the petitioner submits that although the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner rather there is specific allegation of firing is against co-accused persons, namely Nikesh Kumar and Niraj Kumar and apart from that the statement of co-accused persons have been recorded in which they have also stated that co-accused persons namely Nikesh Kumar and Niraj Kumar have fired upon the victim. He further submits that co-accused person namely Vijay Kuamr @ Fantus has been granted bail by a Coordinate Bench of this Court vide order dated 17.01.2026 passed in Cr. Misc. No. 65312 of 2025, another co-accused person, namely, Dharmendra Kumar @ Suresh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 17.01.2026 passed in Cr. Misc. No. 84087 of 2025. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.07.2025.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in one case and other case is pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act or firing attributed against the petitioner and similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Court, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Nagarnausa P.S. Case No. 140 of 2025, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds 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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