

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4053 of 2026

Arising Out of PS. Case No.-423 Year-2024 Thana- FATUA District- Patna

1. Sajan Kumar @ Chittu S/o Braj Bhushan Prasad Sinha @ Braj Bhushan Singh R/o Village - Buddhuchak, P.S - Fatwah, District - Patna
2. Sanjeev Kumar @ Nittu S/o Braj Bhushan Prasad Sinha @ Braj Bhushan Singh R/o Village - Buddhuchak, P.S - Fatwah, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Prakash, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-02-2026 Heard Mr. Amit Prakash, learned counsel for the petitioners and Mr. Ramchandra Sahni, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fatwah P.S. Case No. 423 of 2024, F.I.R. dated 09.07.2024 for the offences punishable under Sections 109 and 3(5) of the BNS, 2023 and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. According to prosecution case, all the accused persons including these petitioners armed with weapon came near the informant due to some previous enmity. Co-accused Bittu Kumar fired upon the informant but the same did not hit him.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. There is case and counter case between the parties and the police have submitted charge sheet in favour of the petitioners and the prosecution has find charges only against the co-accused Bittu Kumar who happens to be elder brother of the petitioners but the learned Court below had taken cognizance vide order dated 25.06.2025 against these petitioners.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and police have submitted charge sheet but the learned Court below in a very mechanical manner taken cognizance against these petitioners, let the petitioners, above named, in the event of their 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.-II, Patna City in connection with Fatwah P.S. Case No. 423 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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