

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5370 of 2026

Arising Out of PS. Case No.-81 Year-2025 Thana- Safiyasarai District- Munger

1. Md. Salman S/O Haroon
2. Pikku Kumar @ Pinku S/O Gorakh Paswan Resident of Mohammadpur Farda P.S - Safiasarai, Dist- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Gupta, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr.Dinesh Gupta, learned counsel for the

petitioners and Mr.Humayou Ahmad Khan, learned Additional

Public Prosecutor for the State.

2. The petitioners seek bail, who are in custody since
28.09.2025 in connection with Sessions Case No. 512 of 2025,
arising out of Safiasarai P.S.Case No.81/2025, F.I.R. dated
27.09.2025 registered for the offence punishable under Sections
191(2), 191(3), 109, 126(2), 115(2), 132, 196, 109(1), 285 of BNS
and Sections 30/27 of Arms Act.

3. As per prosecution case, police received
information about huge unlawful assembly of two communities
resorting to firing over each other in the background of land
dispute. Police party reached at the spot and tried to pacify the



members of unlawful assembly. But they did not pay any heed to the advise of the police party and started scuffling with it. Thereafter, co-accused, person, namely, Sethu Kumar was apprehended along with ten other persons. The other co-accused persons have been named by the local Chowkidar as the persons who along with other co-accused persons fled away from the spot. The recovery of 12 bore gun, revolver and cartridges of different bores were recovered from the house of co-accused Bablu Mallick.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. It appears from the FIR that although the petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and arms have been recovered from possession of co-accused person, namely, Bablu Mallick and petitioners have been made accused in the present case merely on the basis of suspicion and except the aforesaid, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence. The police, after investigation, submitted chargesheet against the



petitioners and the petitioners are in custody since 28.09.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and nothing has been recovered from possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge 2nd Munger/concerned court in connection with Sessions Case No. 512 of 2025, arising out of Safiasarai P.S.Case No.81/2025, with the 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 tamper 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 antecedents, 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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