

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88623 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

Saurabh Kumar Son of Hakkar Paswan R/o Village - Mohanpur, Ward No.-
10, P.S. - Bakhtiarpur(Balwahat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 10298 of 2026

Arising Out of PS. Case No.-71 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

Satish Kumar Son of Uma Sah @ Umesh Sah R/o Village- Dholi Ward No.
06, P.S.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 88623 of 2025)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Rupesh Kumar, Advocate
Ms. Laxmi Kumari, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For the Informant : Mr. Krishna Prasad Singh, Sr. Advocate
(In CRIMINAL MISCELLANEOUS No. 10298 of 2026)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-03-2026 Heard Mr. N.K. Agarwal, learned Senior counsel for

the petitioners in both the cases, Mr. Raj Ballabh Singh, learned

APP in Cr. Misc. No. 10298 of 2026 and Mr. Jitendra Kumar

Singh, learned APP in Cr. Misc. No. 88623 of 2025 beside Mr.



Krishna Prasad Singh, learned Senior counsel representing the informant duly assisted by Mr. Saket Kumar Singh.

2. The petitioners are in custody in connection with Bakhtiyarpur P.S. Case No. 71 of 2024 for the offence punishable under Sections 302, 201, 120B of the Indian Penal Code and 27 of the Arms Act lodged on 20.02.2024 by the informant, Saroj Paswan.

3. As per the prosecution story, the informant (*chowkidar*) informed that while moving in the orchard of Late Shyam Sundar Singh, found a person dead. Accordingly, Bakhtiyarpur P.S. Case No. 71 of 2024 was lodged. It came to the notice of the family of the deceased and they identified the body. Subsequently, the investigation started and arrived at the door of Saurav Kumar (petitioner) who gave the confession that the Prince Kumar was having issue with the deceased inasmuch as he had opened fire causing injury to him. He accordingly made a plan along with his friends, Saurav, included, Satish and Golden, the deceased was taken to the place, they consumed 'Ganja' and, thereafter, while Saurav hit him on his head, Satish opened fire causing injury. Prince Kumar who had planned the entire conspiracy was regularly in touch and thereafter, directed Saurav to crush the SIM that has been used and leave the place.



4. Learned Senior counsel for the petitioners put forward his argument separately for Saurabh Kumar and Satish Kumar and submission for the petitioner, **Saurabh Kumar in Cr. Misc. No. 88623 of 2025** is/are that:

“(i) he do not have any criminal antecedent;

(ii) is in custody since 25.02.2024;

(iii) the allegation against him is that he hit on the head and the postmortem report shows that it found an incised wound of size 4cm x 2cm on posterior region of skull which cannot result into death;

(iv) a petition has been preferred by the prosecution under Section 319 of the Cr.P.C. and as such, the trial is not likely to be concluded soon;

(v) he shall abide by all the terms and conditions, if granted relief.”

5. So far as the accused, **Satish Kumar in Cr. Misc. No. 10298 of 2026** is concerned, the submission is that though the allegation of opening fire is against him, he has remained in custody since 14.06.2024. However, upon query, learned Senior counsel concedes that he has criminal antecedents.

6. Learned Senior counsel for the informant on the other hand opposes the prayer submitting that so far as Satish



Kumar is concerned, the allegation against him is fully proved through the *postmortem* report which has found the right side of chamber of the heart filled with blood. The further submission is that he has criminal antecedent also and nine out of twelve witnesses have been examined.

7. Taking into account the submission of the parties, so far as the case of **Satish Kumar in Cr. Misc. No. 10298 of 2026** is concerned, allegation against him of opening fire which is supported by the *postmortem* report, without further commenting on the merit of the case, as the trial is at an advance stage, his bail application stands rejected.

8. So far as **Saurabh Kumar in Cr. Misc. No. 88623 of 2025** is concerned, considering the aforesaid points put forward by the learned Senior counsel for the petitioner that the allegation against him is of hitting on the head and the injury is *size 4cm x 2cm*, has no criminal antecedent, and further, has remained in custody since 14.06.2024, an undertaking has been given that he will be appearing on each and every date in the trial and failure to do so, the prosecution can take steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner, Saurabh Kumar in Cr. Misc. No.



88623 of 2025 be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District and Additional Session Judge, V, Saharsa in connection with Bakhtiyarpur P.S. Case No. 71 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner, Saurabh Kumar in Cr. Misc. No. 88623 of 2025 who shall provide official document to show his/her bona fide;

(ii) the petitioner, Saurabh Kumar in Cr. Misc. No. 88623 of 2025 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner, Saurabh Kumar in Cr. Misc. No. 88623 of 2025 shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner, Saurabh Kumar in Cr. Misc. No. 88623 of 2025 shall in no way try to induce or promise or threat



the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner, Saurabh Kumar in Cr. Misc. No. 88623 of 2025 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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