

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12123 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

Suraj Kumar Son of Satrudhan Singh Resident Of Village - Kauria Tola Fateh
Rai, Ps -Bhagwanpur Hat, District -Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
	:	Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, A.P.P.
For the Informant	:	Mr. Bindhyachal Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-06-2026 Heard Mr. Ajay Thakur , learned counsel for the
petitioner, Mr. Bindhyachal Singh, learned Senior Counsel for
the informant and Mr. Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.07.2025 in connection with Bhagwanpur Hat P.S. Case No.
313 of 2025 for the offences punishable under Sections 190,
191, 192, 126(2), 127(2), 115(2), 118(2), 109, 103, 61(2), 3(5)
of BNS and Section 27 of the Arms Act.

3. The prosecution case rest upon the written
complaint made by informant addressed to SHO, Bhagwanpur
Hat Police Station, Siwan. It has been alleged by the informant
that on 04.07.2025 the informant on his mobile phone received



an information that at Singh Brothers Petrol Pump Malmaliya, owned by Devnarayan Singh, some criminals armed with weapons assembled out of criminal conspiracy for murdering people of Kaudiya, Vaishya Toli as few days ago, Munna Singh and Rohit Kumar had reported to present S.D.P.O Mahrajganj that one Amitesh Kumar Singh, Son of Ram Kishore Singh is indulged in selling illegal liquor as a result of which he got arrested. It has been further alleged that the informant subsequent to receipt of such information, reached Malmaliya on his Motorcycle and saw his younger brother Munna Singh, Kanhaiya Singh, Rohit Kumar, Vicky Kumar, Raushan Kumar and while he was asking them to go to home in between one Satrudhan Singh having pistol in one hand and Farsa in another hand, Kedar Singh having sword in hand, Ram Kishore Singh having sword in hand, Suraj Kumar having country made pistol and Gupti in hand, Kishan Kumar, Kanchan Kumar @Kishu, Deepak Kumar with sword and Sharp Daab, Amit Kumar Singh with rod and Dagger, Rupesh Kumar Singh with sword, Pawan Kumar with Farsa, Kalyan Kumar with country made pistol, Prateek Kumar @ Chotu armed with pistol, Abhimanyu Singh armed with rifle, Vijendra Yadav (Haiwa driver of Satrudhan Singh) armed with country made pistol, Sonu Singh (driver of



Prateek Kumar) armed with pistol and 10-15 more unknown criminals came and Satrudhan Singh started assaulting Munna Singh by Farsa continuously as a result of which Munna Singh fell down. It has been further alleged that thereafter Kedar Singh, Ram Kishore Singh, Deepak Kumar and Suraj Kumar Started assaulting Munna Singh with weapons in their hand as a result of which Munna Singh died on spot. It has been further alleged that the informant upon seeing the same became insensible. It has been also alleged that the criminals have also made air firing and upon seeing that Kanhaiya Singh, Rohit Kumar, Vicky Kumar and Raushan Kumar started to flee away towards village through over bridge but all criminals having weapons in hand chased them and on over bridge surrounded them and there Rupesh Kumar assaulted Kanhaiya Singh by sword and Pawan Kumar and Amit Kumar Singh assaulted with weapon in their hand due to which Kanhaiya Kumar fell down, thereafter Satrudhan Singh with Farsa assaulted Rohit Kumar on his head as a result of which his head was broken and he fell down. It has been further alleged that Suraj Kumar, Kalyan Kumar and Kanchan Kumar having weapons in their hand started assaulting as a result of which the head and face of Rohit Kumar became disfigured. It has been alleged that Kishan



Kumar assaulted Vicky Kumar with sword on his head as a result of which he got injury on the head. It has been further alleged that Kedar Singh, Kanchan Kumar and Deepak Kumar assaulted Raushan Kumar with weapons in their hand due to which his head, hand and legs were cut. It has been further alleged by the informant that he, Amarjeet Singh, Vicky Kumar and Himanshu Shekhar Singh ran after the miscreants to save their villagers but the unknown criminals as well as Abhimanyu Singh, Vijendra Yadav, Sonu Singh, Prateek Kumar @ Chhotu encircled and started firing and due to fear they could not save them. It has been further alleged that the criminals ran away towards Malmaliya by firing in air and in the course of fleeing away his villager Rajesh Singh saw that Satrudhan Singh @ Kaka gave some information to Akbar Ali Ansari and his son Meraj Hussain. It has been further alleged that the said information was given to him by his villager Rajesh Singh. It has been also alleged by the informant that Raju Prasad and Ajay Prasad while giving all the information prior to the occurrence and after the occurrence to Pawan Kumar, associate of Satrudhan Singh @ Kaka, hide the rod and stick used in alleged occurrence and gave Pawan Kumar safe passage. Further, the informant stated that the reason for delay in



reporting the incident is due to treatment of nephew Raushan Kumar.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner next submits that from perusal of the FIR it appears that the date of occurrence is 04.07.2025 but the FIR has been instituted on 06.07.2025 i.e., after a delay of two days without giving any explanation of delay. Apart from that before lodging the FIR, postmortem has been conducted on 04.07.2025 itself and the informant after knowing the postmortem report has lodged the present FIR against the petitioner and other co-accused persons which suggests that it is an afterthought FIR which has been lodged only to falsely implicate the petitioner. It is further submitted that the statement of the injured person, namely, Vicky Kumar Singh has been recorded in paragraph no. 5 of the case diary in which he has categorically stated that the co-accused, namely, Shatrudhan Singh has assaulted one Munna Singh by means of farsa continuously due to which Munna Singh fell down, thereafter, co-accused persons, namely, Kedar



Singh, Ram Kishore Singh, Deepak Kumar, Kishan Kumar and Suraj Kumar (petitioner) also assaulted him and he died. Learned counsel for the petitioner submits that for the same set of allegation similarly situated co-accused persons, namely, Ram Kishore Singh has been granted bail by Coordinate Bench of this Court vide order dated 28.01.2026 passed in Cr. Misc. No. 82590 of 2025, Deepak Kumar has been granted bail by Coordinate Bench of this Court vide order dated 13.02.2026 passed in Cr. Misc. No. 82563 of 2025, Kanchan Kumar has been granted bail by Coordinate Bench of this Court vide order dated 14.05.2026 passed in Cr. Misc. No. 12864 of 2026. It is next submitted that the police after investigation has submitted charge-sheet and the petitioner is in custody since 29.07.2025.

5. The learned Additional Public Prosecutor for State and learned Senior Counsel for the informant have vehemently opposed the prayer for bail of the petitioner and submit that petitioner has participated in the present crime in question and petitioner along with co-accused persons have brutally assaulted and killed altogether three persons. Apart from aforesaid, the bail application of the co-accused person, namely, Kalyan Kumar @ Kalyan Rawat has been rejected by a Coordinate Bench of this Court and also the fact that the petitioner has



antecedent of two cases other than the present case but fairly submit that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that co-accused persons, namely, Ram Kishore Singh, Deepak Kumar and Kanchan Kumar have been granted bail by Coordinate Benches of this Court let the petitioner, above named, 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 Chief Judicial Magistrate, Siwan in connection with Bhagwanpur Hat P.S. Case No. 313 of 2025, subject to the following conditions:-

i. 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.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, 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)

Gaurav Sinha/-

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