

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15118 of 2026

Arising Out of PS. Case No.-11 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

Md. Arsi @ Md. Aarshi S/O Md. Shamim @ Md Shameem R/O Village -
Afzala Tole Kheva, Jaliya Road, P.s - Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shama Sinha, Advocate Mr. Surya Prakash, Advocate Mr. Vijayansh Pratap Singh, Advocate
For the State	:	Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt on behalf of the
petitioner for grant of bail in connection with Kusheshwar
Asthana (K. Asthana) P.S. Case No. 11 of 2024 registered for the
offence under Sections 394/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 19.04.2025 passed in Cr. Misc.
No. 3978 of 2025, which reads as under:

*“Heard learned counsel for the
petitioner and learned APP for the State Shri
Jharkhandi Upadhyay.
2. The petitioner seeks regular bail in
connection with Kusheshwar Asthana (K. Asthana)*



P.S. Case No. 11 of 2024 registered for the offence under Sections 394/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution case, when the informant was returning home from his petrol pump situated at Aurahi at around 10:00 PM, three persons sitting on an Apache motorcycle intercepted him and tried to snatch Rs. 10,00,000/- (Rupees ten lakhs only) and one Apple tablet from the informant and upon informant's resistance, they started firing due to which two bullets hit on the knees of the informant, meanwhile the assailants looted the cash and tablet and fled away.

4. The petitioner has been identified as one of the criminals who had committed loot and shot the informant in his leg.

5. In the trial, out of eight witnesses, three witnesses have already been examined and the petitioner is in jail since 6.3.2024.

6. Considering the fact that the petitioner has shot at the informant and has participated in loot, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this application is dismissed.

8. The Senior Superintendent of Police, Darbhanga is directed to ensure the attendance of the witnesses in the trial so that the trial is not delayed. The informant also undertakes to produce and examine the witnesses in the trial.

9. If the trial of the petitioner is delayed due to the fault of the prosecution side then the petitioner may renew his prayer for bail.

10. Mr. Jharkhandi Upadhyay, learned counsel for the State will communicate a copy of this order to the Senior Superintendent of Police, Darbhanga. Also communicate a copy of this order to Senior Superintendent of Police, Darbhanga through FAX for its compliance."

4. Learned counsel for the petitioner submits that out



of eight witnesses, five witnesses have been examined.

5. Considering the gravity of the offence and the fact that the trial has started, I am not inclined to review my earlier order.

6. Accordingly, the application stands dismissed.

7. It is made clear that if the trial is delayed due to the fault of the prosecution, the petitioner may renew his prayer for bail.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

