

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17762 of 2026

Arising Out of PS. Case No.-12 Year-2025 Thana- UCHKAGAON District- Gopalganj

1. Mohammad Nazir Alam S/o- Late Abdul Rahman @ Abdur Rahman
Resident of village- Piprahi PS- Uchkagaon District-Gopalganj
2. Sakil Ahmad @ Sakil @ Jhunna Alam S/o- Mohammad Nazir Alam
Resident of village- Piprahi PS- Uchkagaon District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Purushottam Kumar, Adv.
For the informant	:	Mr. Harsh Singh, Adv. Mr. Kamal Kishore, Adv. Mr. Abhijeet, Adv.
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 15-05-2026 Heard Mr. Y. V. Giri, learned senior counsel assisted by Mr. Purushottam Kumar, learned counsel for the petitioners, Mr. Harsh Singh, learned counsel appearing on behalf of the informant and learned A.P.P. for the State.

2. This is the second regular bail application filed on behalf of the petitioners. This Court had earlier granted bail to the petitioners by order dated 23.06.2025 passed in Cr. Misc. No. 27665/2025. One of the conditions imposed was that the Court had to verify the criminal antecedent of the petitioners



and had granted liberty to cancel the bail bonds if it was found that the petitioners had concealed the criminal antecedent then steps for cancellation would be taken. It has been stated that when the trial court came to know about some further antecedent which could not be disclosed earlier in the bail application, the Court proposed for cancellation of bail bonds. It has been submitted that thereafter, the petitioners approached this Court with a modification application being Cr. Misc. No. 48123/2025, which was dismissed as not maintainable by this Court vide order dated 08.08.2025. It is stated that thereafter, the petitioners surrendered and are in custody since 13.02.2026 and therefore, the second bail application being preferred by the petitioners.

3. The petitioners seek bail in connection with Uchkagaon P.S. Case No. 12 of 2025 dated 10.01.2025 registered for the offences punishable under Sections 103, 3(5) of the B.N.S. and Section 27(3) of the Arms Act.

4. As per the prosecution story, the informant Rajiv Kumar alleged that on 10.01.2025 while his elder brother Arvind Kumar Yadav was going to school on his motorcycle and he was right behind him along with one Prabhakar Kumar Yadav on his motorcycle, he witnessed that the named accused



persons including the petitioners started indiscriminate firing upon his brother Arvind Kumar Yadav, which hit him on his chest and abdomen and he fell down. It is further alleged that on hearing the sounds of firing, the villagers came there and the said accused persons fled away on two motorcycles and thereafter, the brother of the informant was taken to the Sadar Hospital on Scorpio Car, where the Doctor declared him dead.

5. Mr. Y. V. Giri, learned senior counsel appearing on behalf of the petitioners submits that this Court had very elaborately dealt with the submissions made on behalf of the petitioners and had granted bail considering all the facts and therefore, he will not be repeating the entire arguments which was forwarded earlier however, he very fairly submits that it was due to inadvertence the entire criminal antecedent was not disclosed and there was no intention on the part of the petitioners to conceal the same. It has been submitted that the petitioners have been falsely implicated on account of political rivalry and during the course of investigation, one Abhishek Kumar Yadav was apprehended by the police and he has confessed that he along with other named persons had committed the murder of Arvind Kumar Yadav, the brother of the informant. Learned senior counsel submits that the said



statement is an inculpatory statement and the weapon used in the said incident was also recovered in pursuance of such confessional statement and therefore, the same is admissible in law. Learned senior counsel has submitted that the allegation against the petitioners was that he was contacted by the said accused, Abhishek Kumar Yadav and they had conspired in killing the brother of the informant. Mr. Giri, learned senior counsel reiterates his earlier arguments that another co-accused, namely, Ranjeet Goswami, in his confessional statement, had stated the same facts as stated by the other accused, Abhishek Kumar Yadav and also the fact as to how the murder was committed and on his identification, the country made pistol and cartridges were recovered.

6. Mr. Y. V. Giri, learned senior counsel again referring to the various paragraphs of the case diary including para nos. 164, 200, 237 and 271 has submitted that the same was on to show that there was a dispute between the non F.I.R. named accused, Abhishek Kumar Yadav with regard to a land with the brother of the informant and hence, the said incident had occurred. It has been submitted that the petitioners were initially in custody since 10.01.2025 till 28.06.2025 and they are again in custody since 13.02.2026 till date, despite the fact that



they were earlier granted bail however the same was cancelled on account of non disclosure of the entire criminal antecedents.

7. Mr. Harsh Singh, learned counsel appearing on behalf of the informant had opposed the prayer for bail of the petitioners earlier and through the counter affidavit filed in the present case, it has been submitted that the petitioners had deliberately suppressed the criminal antecedents and such fact was pointed out at the time of hearing of the earlier bail application, hence the said ground was incorporated in earlier order for verification of the criminal antecedents and the same ultimately proved to be correct. The learned counsel submits that the petitioners are regular offenders and their conduct would go on to show that despite the fact that the informant preferred the application seeking cancellation of the petitioners' bail on account of suppression of criminal antecedents as had been directed by this Hon'ble Court, the petitioners instead of surrendering, preferred a modification application before this Court wherein they had admitted that the criminal antecedents of both the petitioner no. 1 and the petitioner no. 2 was not disclosed earlier. The learned counsel next submits that despite there being a specific direction to the learned court below to cancel the bail bonds upon finding that the petitioners had



suppressed the criminal antecedents, surprisingly the learned court below took no such steps to cancel the bail bonds even though the informant, who had contested the bail of the petitioners up to Supreme Court, had pressed the application dated 03.07.2025 for cancelling the bail bonds of the petitioners. It has further been submitted that Ranjeet Goswami who along with Abhishek Kumar Yadav had confessed to their participation in the murder of the deceased, were granted bail by a Coordinate Benches of this Court and so has one of other co-accused, namely, Avinash Kumar. It has been submitted by the learned counsel for the informant that despite the informant's application dated 03.07.2025 bringing on record the antecedent and for prayer of cancellation, the same was done after more than seven months on 31.01.2026 which goes on to show the influence of the petitioners.

8. Learned counsel for the informant though admits that as per his information, there was other cases at Siwan however, there is a report from the Superintendent of Police, Siwan, which was called for by this Court, wherein it has been reported that there is no criminal antecedents of the petitioners in the District of Siwan. At this juncture, learned senior counsel appearing on behalf of the petitioners submits that the informant



may be imposed heavy cost for submitting that the petitioners carry criminal antecedents in the District of Siwan, which now has been proved to be incorrect in view of the report submitted by the Superintendent of Police, Siwan.

9. Learned counsel appearing on behalf of the informant submits that since the petitioners had earlier been granted bail so he won't be submitting much on the merits of the case. However, it has been submitted that the petitioners being very powerful persons and carrying criminal antecedents of 9 and 10 criminal cases respectively, they should not be released on bail because of the fact that they would influence the trial and shall intimidate the prosecution witnesses.

10. Having heard the learned counsel for the parties and considering the submissions, this Court finds that as far as the criminal antecedent of the petitioners alleged to be in the District of Siwan is concerned, the same was found to be not correct and there is a report Superintendent of Police, Siwan, there is no criminal antecedent found in the various police station of the District of Siwan. As far as the case of the petitioners is concerned, this Court had very elaborately dealt with the evidence which has come during the course of investigation in its order dated 23.06.2025, passed in Cr. Misc.



No. 27665 of 2025 and thereafter, had granted bail to the petitioners. Therefore, this Court considering the materials on record and especially taking into account that a few co-accused persons who had confessed their involvement in the present case and on their confession, the recoveries were also made, is of the opinion that the petitioners should not be denied the privilege of bail.

11. However, considering the circumstances and the criminal antecedents of the petitioners and also their past conduct of suppression of antecedents clubbed with the fact that despite their modification application being dismissed by order dated 08.08.2025, they surrendered in the month of 30.01.2026, this Court directs that the petitioners be released on bail and their bail bonds be accepted ***“only after the framing of charges”***, on their furnishing it in the sum of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor court in connection with Uchkagaon P.S. Case No. 12 of 2025, and only on the conditions as under :-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and



every date fixed, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) The trial court 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 trial court shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Gopalganj within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

12. It is made clear that the observations, if any, made



in this order, shall be of no bearing during the trial.

13. The application stands allowed with the aforesaid directions.

(Sourendra Pandey, J)

Gautam/-

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

