

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20927 of 2026

Arising Out of PS. Case No.-930 Year-2023 Thana- BIHTA District- Patna

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Mahendra Singh, S/o Late Hardev Singh, Resident of Village-Bahpura, Police
Station-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-05-2026 This is second regular bail application on behalf of

the petitioner. Earlier, his application for grant of bail was

rejected by this Court *vide* order dated 07.07.2025 passed in Cr.

Misc. No. 9024 of 2025.

2. Heard the learned counsel for the petitioner and

the learned Addl. Public Prosecutor for the State.

3. The petitioner, who is in custody, seeks bail in

connection with Bihta PS case No. 930 of 2023 corresponding

to Session Trial No. 25 of 2024 registered for the offence(s)



punishable under Section(s) 147, 148, 149, 302 of the Indian Penal Code and Section(s) 27 of the Arms Act.

4. As per the prosecution case, there is an allegation that altogether seven named persons including this petitioner fired from their respective arms and killed one Chandan Kumar @ Vicky.

5. The learned counsel for the petitioner submits that earlier the petitioner had moved before this Court with a prayer for grant of regular bail, referred to above, however, his bail application was rejected taking into account that the trial is almost at the fag end.

6. It has been submitted on behalf of petitioner that the submissions made by the learned Additional Public Prosecutor at the relevant time, with respect to examination of witnesses, was not correct and till date, total six witnesses have been examined out of the total 10 witnesses. It has also been submitted that the last witness was examined on 11.11.2025 and, thereafter, till date, no prosecution witness has been examined.

7. It has further been submitted that the petitioner is a 75-years old person and he has falsely been implicated in this case with general and omnibus allegations of firing and killing one Chandan Kumar @ Vicky.



8. The learned counsel for the petitioner draws the attention of this Court towards the evidence of P.W.-1, who happens to be the informant of this case, and refers to the examination-in-chief, where the informant has categorically named nine persons to have been carrying pistol and they had all fired upon the person named Chandan, who received twelve gunshot injuries. It has been pointed out that the informant has not named the petitioner to be among the said persons, who had fired upon said Chandan Kumar @ Vicky.

9. It has been submitted on behalf of the petitioner that he possesses the deposition of all the other five prosecution witnesses and none of them have named the petitioner to be an accomplice of the other named persons, who were stated to have fired upon said Chandan Kumar.

10. It has, thus, been submitted that in view of such evidence of the informant, there is less chances of the petitioner being convicted in the present case and considering the fact that barring the FIR, there is nothing on record to suggest the complicity of the petitioner in the present case, the petitioner may be released on bail. It has lastly been submitted that the petitioner has clean antecedent and he is languishing in custody since 23.08.2024.



11. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail and submits that there is an allegation upon several persons of firing upon said Chandan Kumar @ Vicky and the petitioner was one of them along with six other persons as alleged in the FIR and the deceased had admittedly received twelve fire-arm injuries. It has been submitted that earlier other co-accused persons had approached this Court for grant of bail, but the same was rejected. The learned Addl. Public Prosecutor, however, does not dispute the fact that the informant has not supported the case of the prosecution as far as the petitioner was concerned when he had deposed as P.W. 1 during the trial.

12. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 23.08.2024, let the petitioner, above-named, be released on bail on his/her furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihta PS case No. 930 of 2023 corresponding to Session Trial No. 25 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be



his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

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

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his/her bail bonds.

(v) The concerned Court shall verify the criminal antecedents of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. 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.

13. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

14. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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