

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23076 of 2026

Arising Out of PS. Case No.-385 Year-2024 Thana- MUNGER MUFFASIL District- Munger

1. Lal Jee @ Lal Babu S/o Rivan Yadav R/o Mohalla - Sitakund Dih, P.S - Muffasil, District - Munger
2. Sunni Kumar S/o Late Manoj Yadav R/o Mohalla - Sitakund Dih, P.S - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Saurabh, Advocate
		Ms. Puja Kumari, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 19-06-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 109 and 61(2) of BNS and Section 27 of the Arms Act. Later on, charge sheet has been submitted under Section 103(1) of BNS.

3. The case of the prosecution is that the petitioners along with others have killed the brother of the informant and that the brother of the informant as lying on a cot in the *bathan* of petitioner no. 1.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Learned counsel for the petitioners has submitted that from perusal of the FIR, it is clear that there is no eye witness of the occurrence. It has also been submitted that from perusal of the diary, it transpires that the *bathan* from where the injured brother of the informant found, is six kilometers away from the village. It has also been submitted that there is allegation against altogether eight accused persons of assaulting the informant's brother who succumbed to the injuries. From perusal of the postmortem report of the deceased, it transpires that he has received only one entry wound, this goes to show that the death was due to one gun shot injury. No one has seen the occurrence. Prosecution has relied mainly on the statement as given in the FIR that the mother of the co-accused, namely, Bulbul Devi was saying that his son and others has killed the deceased.

5. Learned counsel for the petitioner has further submitted that this statement has been incorporated in the FIR only with a view to provide force to the story of the prosecution. From perusal of the diary, it is clear that the police has not recorded the statement of the mother of the co-accused, namely, Bulbul Devi. During course of investigation, police has recorded confessional statements of Nikesh Kumar and Sonu Kumar and they have stated in their confessional statements that petitioner



no. 1 has fired at the head of the deceased whereas there is no allegation against petitioner no. 2. Learned counsel has also submitted that in this case, other co-accused persons, namely, Sonu, Nikesh and Bul Bul Devi have already been granted bail by learned co-ordinate Bench of this Court vide Cr. Misc. Nos. 7983 of 2025, 28363 of 2025 and 62624 of 2025. Moreover, the petitioners are languishing in judicial custody since 12.12.2025.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that the main thrust of allegation is against petitioner no. 1 and he is also having criminal antecedent of six cases.

7. Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner no. 1, namely, Lal Jee @ Lal Babu at this stage, as such, his prayer for bail stands rejected.

8. However, the petitioner no. 1 may renew his prayer for bail after six months if the trial is not concluded.

9. So far as the nature of allegation against petitioner no. 2 is concerned, the same is general and omnibus in nature.

10. As such, this court is inclined to enlarge the petitioner no. 2 on bail. The above named **petitioner no. 2, namely, Sunni Kumar** is directed to be released on bail in



connection with Muffasil P.S. Case No. 385 of 2024 on
furnishing bail bond of Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of learned
C.J.M., Munger.

(Ashok Kumar Pandey, J)

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