

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24953 of 2026

Arising Out of PS. Case No.-76 Year-2025 Thana- KIUL District- Lakhisarai

Sumit Kumar @ Subhit Kumar @ Subhit Yadav S/o- Umesh Yadav R/v-
Lakhochak Ps- Kiul Dist- Lakhisarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

For the Informant : Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Rizwanul Haque, learned counsel for the petitioner, Mr. Rajesh Kumar, learned counsel for the informant and Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.12.2025 in connection with Kiul P.S. Case No. 76 of 2025, F.I.R. dated 09.09.2025 for the offences punishable under Sections 126(2), 115(2), 117, 109(1), 103(1) and 3(5) of the BNS, 2023 and Section 27 of the Arms Act.

3. According to prosecution case, due to previous dispute this petitioner along with other accused persons assaulted the informant's wife and brother and co-accused Umesh Yadav fired upon the informant's brother resulting into his death.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but from perusal of the FIR it appears that the FIR is two parts. According to part one, there is general and omnibus allegation against all the accused persons including the petitioner and according to part two, there is specific allegation of firing attributed against the co-accused Umesh Yadav that he has fired upon the head of the brother of the informant namely, Chhotu Kumar and subsequently he died. He further submits that there is no specific allegation of firing against this petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.12.2025.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of firing against this petitioner, 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 CJM, Luckhisarai in



connection with Kiul P.S. Case No. 76 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)

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