

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26116 of 2026

Arising Out of PS. Case No.-290 Year-2024 Thana- MADHUBAN District- East Champaran

Sanoj Kumar Son of Visheshwar Sahani Resident of village - Kanshpakari,
P.S.- Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 290 of 2024 for the offences punishable under Sections 238, 3(5) of B.N.S. and Sections 25, 9, 27 of the Arms Act.

3. The case of the prosecution in brief is that on 15.07.2024 at about 22:00 P.M., the informant, S.I. Anil Kumar Das, submitted his written report before the Officer-in-charge, Madhuban P.S., alleging therein that on 15.07.2024 at 17:30 P.M., informant along with other police officials proceeded for patrolling and in the course he was informed to verify Sanha no. 435/24 and then reached at the place of occurrence and came to know that on the last night on 14.07.2024, there was marriage



ceremony of daughter of one Suresh Sahni. Thereafter, all F.I.R. named accused persons including present petitioner gathered with arms to make joy firing and after some distance in intoxication they began to joy firing and in due course of tug of war, one Lucky Kumar sustained gun shot injury and became injured. It is also alleged that injured Lucky Kumar has been brought to Patna for treatment and on enquiry of relatives of Lucky Kumar, they did not give any satisfactory reply regarding gun firing and blood stained was found over the earth and same has been cleaned to cause disappearance of the evidence.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that from perusal of the FIR, it appears that there is no specific allegation of firing attributed against the petitioner rather the allegations are general and omnibus in nature. It is further submitted that during the course of investigation co-accused persons were apprehended, namely Raja Sahani @ Raja Babu and Raja Kumar and their statement were recorded in paragraphs nos. 21 and 27 of the case diary in which they have confessed their guilt in the present case and they have



categorically stated that they have fired upon the victim. Apart from aforesaid co-accused persons, namely, Jitendra Kumar @ Jitendra Sahani and Arvind Kumar @ Rijhan have been granted anticipatory bail vide orders dated 17.12.2025 and 15.05.2025 passed in Criminal Miscellaneous Nos. 55349 of 2025 and 13269 of 2025 respectively by different Co-ordinate Benches of this Court.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and similarly situated co-accused persons have been granted the privilege of anticipatory bail by different Co-ordinate Benches of this Court and co-accused persons have confessed their guilt in the present case, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate-Ist Class, East Champaran, Motihari in connection with Madhuban P.S. Case No. 290 of 2024, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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)

Gaurav Sinha/-

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