

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29141 of 2026

Arising Out of PS. Case No.-82 Year-2026 Thana- MASAUDHI District- Patna

Nitish Kumar @ Aniket Kumar S/o Ashok Paswan Resident of Village
-Taregan Dih, P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31056 of 2026

Arising Out of PS. Case No.-82 Year-2026 Thana- MASAUDHI District- Patna

Amit Kumar @ Amit Ranjan S/o Shri Krishna Paswan R/o Village - Taragana
Dih, P.O. and P.S. - Mashaudhi, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29141 of 2026)

For the Petitioner/s : Mr. Sheonandan Pandit, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, APP

(In CRIMINAL MISCELLANEOUS No. 31056 of 2026)

For the Petitioner/s : Mr. Birendra Narayan Sharma, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-07-2026

Re: Cr. Misc. No. 29141 of 2026

Learned Advocate for the petitioner and learned APP
for the State are present.

2. Considering the fact that the petitioner has already
surrendered and he is taken into custody, on instruction, the
learned Advocate for the petitioner seeks permission to



withdraw the present application.

3. In view thereof, the present application stands dismissed as withdrawn.

Re: Cr. Misc. No. 31056 of 2026

Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Mashaudhi P.S. Case No. 82 of 2026, registered for the offences punishable under Sections 115(2), 126(2), 109(1) & 3(5) of BNSS and Section 27 Arms Act.

3. Allegedly on the given date and time of occurrence, while the son of the informant was in his shop, in the meanwhile, the FIR named accused persons including the petitioner arrived there and started abusing. When the protest was made, it is further alleged that co-accused Nitish Kumar, Rahul Kumar and this petitioner had made indiscriminate firing, due to which the informant has sustained fire arm injury.

4. Learned Advocate for the petitioner submitted that there is omnibus nature of allegation of resorting to fire against three persons including the petitioner. Though, the informant has sustained only one injury in his hand. The entire prosecution case against the petitioner falls to the ground for the simple



reason that in course of investigation the informant's son Md. Aayan Hussain has categorically stated before the police, as is depicted in paragraph 117 of the case diary, that it is co-accused Nitish Kumar, who had fired upon the informant's son and when intervention was made by the informant, he sustained unfortunate injury on his hand. There is no allegation of firing against the petitioner, by the informant's son, who was the eye witness to the alleged occurrence. In fact, only on account of the presence of the petitioner at the place of occurrence, his name has been implicated in this case. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and referring to the FIR contended that there is a specific accusation of firing against three persons including the petitioner, due to which the informant sustained bullet injury.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the informant's son, who was admittedly present at the place of occurrence, besides the fact that the informant has sustained one bullet injury in his hand, coupled with the fair antecedent of the



petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Mashaudhi, Patna in connection with Mashaudhi P.S. Case No. 82 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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