IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49095 of 2026

CNR No. BRHC010651202026

Arising Out of PS. Case No.-99 Year-2024 Thana- BITHAN District- Samastipur

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Shagun Kumar @ Shagun Yadav S/o Umesh Yadav Resident of Village- Satghatt, Hathwan, Police Station- Alauli, District- Khagaria

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pratik
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 20-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Bithan P.S. Case No. 99 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 115, 118(1), 109, 352, 351(2), 351(3) of the B.N.S. and section 27 of the Arms Act.

3. As per prosecution case, six unknown persons came on two bikes and are said to have attacked the informant and started firing upon him. It is alleged that informant sustained one fire arm injury on his mouth and three fire arm injuries on his leg and the F.I.R. is lodged against unknown.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as

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alleged in the first information report. From perusal of the F.I.R., it appears that the occurrence took place on 23.10.2024 at 7.30 pm but F.I.R. was lodged on 27.10.2024 at 20.30 pm after lapse of 4 days without any plausible explanation, which questions the authenticity of the F.I.R. He further submits that the name of the petitioner has been surfaced in this case on the confessional statement of co- accused Ranjana Devi. Learned counsel submits that except the confessional statement of the co-accused, there is nothing on the record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted up-till-now. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co- accused Ranjana Devi upon whose confessional statement, the name of the petitioner has been surfaced in this case, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 21181 of 2025. He further submits that co-accused Ravish Kumar who was not named in FIR, has already been granted bail by this Court vide Cr. Misc. No. 23738 of 2025. Petitioner is in custody since 05.01.2026 and he bears criminal antecedent of seven cases. He

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further submits that out of seven cases, six cases have been registered in Alauli Police Station which clearly reflects that allegation has been framed against the petitioner at a particular police station from the year 2012 to 2022 which clearly reflects that how the petitioner has been victimized by a particular thana for the offences through lodging FIR and only one case is registered in Khagaria P.S. Case No. 891 of 2022 but in all cases petitioner is on bail. In this way, the petitioner has been victimized in all the cases to show long list of the criminal antecedent of the petitioner. Basically there is no substance for lodging case against the petitioner. He further submits that the case of the present petitioner is more or less identically same with other co-accused persons. He further submits that the occurrence took place of 23.10.2024 and name of the petitioner came to fore upon the confessional statement of co-accused Ranjana Devi on 28.10.2024. Learned counsel orally submits that on account of village politics the name of the petitioner has been spoken by the said co-accused. In the light of the aforesaid facts and circumstance, no offence, as alleged in the FIR, is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and during the course of

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investigation, the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Ranjana Devi and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, the period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the fact that co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate -I Rosera, Samastipur in connection with Bithan P.S. Case No. 99 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date without fail and absence on any date, without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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