IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48059 of 2026

CNR No. BRHC010695352026

Arising Out of PS. Case No.-86 Year-2025 Thana- Chitragupta Nagar District- Khagaria

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Dilkush @ Dilla @ Dilkhush S/o Kaillu @ Kailash Chaudhary Resident of Dumariya Bujurg, P.S.- Parbatta, District- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the State : Ms. Pushpa Sinha, APP
For the Informant : Mr. Deepak Kumar, Advocate
Mr. Sumit Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 109, 126(2), 118(1), 61(2), 3(5) of BNS and under Section 27 of the Arms Act later on Section 103 (1) of BNS and 25(1-b)A, 26, 35 of the Arms Act was added.

3. The case of the prosecution is that unknown miscreants have fired at the brother of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the name of this petitioner is not there in the FIR. During course of investigation, one Mithun

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Kumar was apprehended and he has given his confessional statement. The name of this petitioner has surfaced in the confessional statement of co-accused Mithun Kumar. It has further been submitted that police has also recorded the statement of the victim who died after some time and from perusal of his statement, it is clear that three persons on a bike have arrived and the person who was sitting in middle has fired at him. The gun shot hit in the right side of the neck. It has further been submitted that from perusal of para- 106 of the case diary, it will transpire that the CCTV footage was shown to Mithun Kumar who has stated that he is the person who was sitting in the middle of the bike, Shivam Kumar was driving the bike and the petitioner was the third person who was sitting on the bike. It has further been submitted that Mithun Kumar has stated that first of all he made a fire but the fire did not hit the victim thereafter, the petitioner has fired at him and the gun shot hit in the neck.

5. It has further been submitted that in this case there are two versions available before this court. First is the version of the victim and second is the version of the accused Mithun Kumar which is through confessional statement. The victim/injured has stated that the person who was sitting in the middle of the bike has fired the gun shot whereas in the confessional statement of Mithun Kumar, he has stated that this

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petitioner has fired at deceased. Moreover, a statement has been made in para-3 of the petition that the petitioner is having one criminal antecedent. He is languishing in judicial custody since 04.02.2026.

6. Learned counsel for the informant and learned APP appearing for the State have vehemently opposed the prayer of regular bail and have submitted that the confessional statement of Mithun Kumar goes to show that the petitioner is a person who has fired at the deceased.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chitragupta Nagar P.S. Case No. 86 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria.

(Ashok Kumar Pandey, J)

Sneha/-
Shubham/-

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