

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51762 of 2026

Arising Out of PS. Case No.-198 Year-2026 Thana- MIRGANJ District- Gopalganj

Saif Hoda S/o Safiul Hoda @ Saful Hoda Resident of village - Salempatti,
P.S- Uchkagaon, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shambavi, Advocate Mrs. Mili Kumari, Advocate
For the Opposite Party/s :		Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mirganj P.S. Case No.198 of 2026, F.I.R dated 24.03.2026 registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. According to prosecution case, on a written application submitted by the informant, Chotelal Singh, to the S.H.O., Mirganj Police Station, on 24.03.2026 at 7:15 P.M., leading to registration of the present FIR. The informant alleges that on 23.03.2026 at about 5:15 P.M., while he and his elder brother, Krishna Kumar Singh, were returning home on their



motorcycles after closing their shop at Mirganj Bazar, they were intercepted near Mura Brick Kiln by four persons. It is alleged that, on the instructions of co-accused Krishna Sharma, co-accused Narendra Kumar Singh fired at Krishna Kumar Singh's chest from point-blank range, after which all the accused fled. The informant and his wife claim to have identified two previously unknown assailants who were accompanying the FIR-named accused.

4. Learned counsel for the petitioner submits that the implication of this petitioner is solely based on confessional statement of apprehended co-accused, namely, Mukesh Kumar Sharma, while, nothing incriminating is said to have been recovered to show his complicity in the instant case. It has next been submitted that the petitioner is running a private school, namely, Bright Future International School, Salempatti, Mirganj, and for ulterior reasons, the name of the petitioner has been taken by the apprehended co-accused, while, the specific allegation of opening fire upon the deceased, as is evident from the F.I.R., is against Narendra Kumar Singh, who allegedly acted on the command of Krishna Sharma. Lastly, it has been submitted that the petitioner has two criminal antecedent but is on bail in the said cases.



5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has transpired on the basis of confessional statement of co-accused Mukesh Kumar and nothing incriminating is said to have been recovered to show the petitioner's complicity in the instant case and the specific allegation of opening fire upon the deceased, as is evident from the F.I.R., is against Narendra Kumar Singh, who allegedly acted on the command of Krishna Sharma and the petitioner has two criminal antecedent but is on bail in the said cases. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her 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 C.J.M., Gopalganj, in connection with Mirganj P.S. Case No.198 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha



Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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