

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51319 of 2025

Arising Out of PS. Case No.-800 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Vikash Kumar @ Vikash Paswan S/o- Shyam Lal Paswan Village- Badi Bazar
Mohania ward no- 12 PS-Mohania District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 12-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 109 (1) of the B.N.S and Sections 25 (5) and 27 of Arms Act.

3. As per the prosecution case, informant's brother was shot dead by some unknown person.

4. Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and the same has been lodged against unknown indicating that the brother of the informant, Shubham Kumar, had been shot at, while he was attending the marriage at the house of Gauri Paswan by some unknown persons hitting him on his waist and left hand and the F.I.R also indicates that even after trying to find out about the assailant, nothing could be found out, and thus, the written report was being submitted a day



after the occurrence i.e. on 03.12.2024. It is further submitted that there is neither any direct evidence nor any circumstantial evidence available against the petitioner but for the fact that after four days of the occurrence one Sridhar Paswan all of a sudden gave a statement before the police stating that he was also present in the marriage and he had seen that it was the petitioner who had shot at the deceased, Shubham Kumar, whereafter he had fled away. However, witness Gauri Paswan whose daughter's marriage was taking place has not indicated any name of the assailant. Subsequently, one Love Paswan also gave his statement stating that he had seen the petitioner with a pistol and in the stampede which was created after firing and people were saying that it was the petitioner who had fired shot. It is, thus, submitted on behalf of the petitioner that if this was the situation it does not stand to reason as to why the name of the petitioner did not feature in the First Information Report itself. It is further submitted that petitioner is in custody since 17.04.2025 and charges have been framed on 29.07.2025 and till date prosecution has not produced any witness.

5. Learned APP for the State opposes the bail petition.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that there is no tangible material collected against the petitioner during the course of investigation coupled with the fact that the F.I.R was lodged against unknown and his name has transpired only subsequently on account



of some vague material, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mohania P.S. Case No. 800 of 2024.

7. However, since the trial has begun, the learned trial court is directed to proceed with the trial expeditiously, without giving any unnecessary adjournments.

8. Further, the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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