

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60060 of 2025

Arising Out of PS. Case No.-349 Year-2023 Thana- KOTWALI District- Munger

Mukesh Kumar @ Mukesh Yadav S/o- Sri Vijay Yadav Village- Kemkha PS-
Kotwali Dist- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Shashi Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 25-02-2026 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of regular bail in connection with Kotwali P.S. Case No.349 of 2023 registered for the offence punishable under Sections 302/326/307/120B/34 of the Indian Penal Code and section 27 of the Arms Act.

3. Earlier, the bail applications of the petitioner was rejected vide order dated 03.05.2024 passed in Criminal Miscellaneous Nos.407 of 2024 and other analogous cases. The aforesaid order dated 03.05.2025 reads as under:-

“Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioners and Mr. Yogesh Chandra Verma, learned Senior Counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioners who are in custody



seek bail in connection with Kotwali P.S. Case No. 349 of 2023 registered for the offence punishable under Sections 302/326/307/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioners along with some accused persons have indiscriminately fired upon the father and brother of the informant. Both the father and brother of the informant received gun shot injury, as a result of which, the informant's father died on spot.

4. It has been submitted by Mr. Agrawal that though all the accused persons are said to have participated in the indiscriminate firing in which one person has been injured and another person has been killed but subsequently, during investigation witnesses have given specific role to some co-accused Raja Kumar, Santosh Kumar and Mukesh, therefore, they deserve bail.

5. Mr. Yogesh Chandra Verma, learned Senior Counsel for the informant has submitted that in the F.I.R. itself, there is allegation of indiscriminate firing and it is not possible for the witnesses to assign particular role on particular accused when six persons are said to have fired indiscriminately. The firing details which have been argued by Mr. N.K. Agrawal can be considered by the trial judge and not this Court. Moreover, the petitioners are being prosecuted with the aid of Section 34/120 of the Indian Penal Code.

*6. Mr. Verma, learned Senior Counsel, has also relied upon a judgment of the Supreme Court passed in the case of **Parshuram Vs. State of M.P. (Criminal Appeal No. 524 of 2021)**.*

7. This Court has earlier rejected the application of similarly situated co-accused Raja Kumar@ Raja Babu in Cr. Misc. No. 10478 of 2024 vide order dated 20.02.2024.



8. Considering the direct allegation of indiscriminate firing against all the accused persons, this application is dismissed.

9. The trial Court is directed to expedite the trial.

10. During the course of argument, it has been submitted by the learned counsel for the informant that one co-accused (Deepak Kumar) who is the main conspirator is absconding and the police is not taking proper steps for securing his presence in the Court.

11. The Superintendent of Police, Munger is directed to do the needful in view of such serious allegations against the absconding accused.

12. Let a copy of the order be communicated to the Superintendent of Police, Munger through FAX/e-mail forthwith for compliance of the order."

4. Learned Senior Counsel for the petitioner has submitted that since other co-accused persons have been granted bail by this Court, the petitioner also deserves bail.

5. On perusal of the orders, it appears that the co-accused persons, who were not named by the injured witness, have been granted bail by this Court and the co-accused who have been named by the injured have not been granted bail by this Court.

6. Considering the aforesaid facts and also the nature of allegation levelled against the petitioner, I am not inclined to review my earlier order. Accordingly, this bail application is dismissed. The trial court is directed to expedite



the trial and conclude the same at the earliest. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

(Sandeep Kumar, J)

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