IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58757 of 2026

CNR No. BRHC010834312026

Arising Out of PS. Case No.-353 Year-2025 Thana- KHAGARIA District- Khagaria

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Bablu Mahto @ Bablu Kumar @ Vikas Kumar S/o Binod Mahto @ Bauna @ Vinod Mahto Resident of Village- Bhadas South, P.S.- Gangour, District- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binod Kumar, Advocate
Ms. Ayushi, Advocate
Mr. Amit Prakash, Advocate
For the State : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-11-2026 Heard Mr. Binod Kumar, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 02.12.2025 in connection with Khagaria P.S. Case No. 353 of 2025 for the offences punishable under Sections 109(1), 3(5) of BNS, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 28.11.2025 at about 10:00 A.M., the informant, Subhash Choudhary, Sub-Inspector, Gangour Police Station, along with the police force, proceeded from the police station on a government vehicle for day-patrolling duty. At about 11:45 A.M., while the patrolling

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party was at Village Kotiya, Mahal Chowkidar Bideshwari Tanti informed them that a firing incident had occurred at Bishunpur Tribhuwan Tola Chowk. As per the information received, Dilip Singh, aged about 55 years, Umesh Thakur and Mahendra Sah were sitting and talking on a bamboo platform in front of Dhiraj Motorcycle Garage when two unknown persons arrived on a motorcycle from the direction of Bhadas village. One of them allegedly took out a pistol and fired at Dilip Singh with an intention to kill, causing him serious firearm injuries. Upon receiving the information, the informant informed his superior officers and immediately proceeded to the place of occurrence. Thereafter, with the assistance of the Chowkidar and local villagers, the injured was taken to Sadar Hospital, Khagaria, from where he was referred to Begusarai due to his critical condition and admitted to Kalpana Nursing Home for further treatment. Initially, Sanha No. 762/25 dated 28.11.2025 was recorded in connection with the incident. Subsequently, on the basis of the written report submitted by the informant on 29.11.2025, Khagaria (Gangour) P.S. Case No. 353 of 2025 was registered under Sections 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 27 of the Arms Act against unknown persons. The investigation of the case was entrusted to

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S.I. Arun Kumar Singh.

4. Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was rejected *vide* order dated 01.04.2026 passed in Cr. Misc. No. 9625 of 2026. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. The learned Additional Public Prosecutor, appearing on behalf of the State, has vehemently opposed the prayer for bail made by the petitioner. It is submitted that the statement of the injured has been recorded, wherein he has stated that the petitioner fired at him, causing a bullet injury, as mentioned in paragraph No. 57 of the case diary. It is further submitted that the petitioner has three criminal antecedents. Out of the three cases, the petitioner is on bail in one case, one case has been compromised between the parties, and he has been acquitted in the third case.

6. Considering the aforesaid facts and circumstances as well as the period of custody, let the petitioner, above named, 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 Additional Sessions Judge-II,

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Khagaria in connection with Khagaria P.S. Case No. 353 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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