IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65817 of 2026

CNR No. BRHC010950012026

Arising Out of PS. Case No.-187 Year-2026 Thana- GOPALPUR District- Bhagalpur

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Sudhanshu Kumar S/O Chaturi Sah Resident of Village- Pokhariya, Ward No 4, Sungtia, Police Station- Gopalpur, Distt.- Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67986 of 2026

CNR No. BRHC010950012026

Arising Out of PS. Case No.-187 Year-2026 Thana- GOPALPUR District- Bhagalpur

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Abhishek @ Bambam Kumar Son of Premlal Sah Resident of village Pokharia, Police Station - Gopalpur, District - Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 65817 of 2026)
For the Petitioner/s : Mr. Amrendra Kumar, Adv.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 67986 of 2026)
For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 30-10-2026 Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel appearing on behalf of the informant.

2. The petitioners seek regular bail in connection with Gopalpur P.S. Case No. 187 of 2026 registered for the offence

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under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and 27 of the Arms Act.

3. The prosecution case, in brief, as alleged in the written application of the informant, Usha Devi, is that on 03.06.2026, at about 08:30 P.M., the informant called her husband on his mobile phone and informed him that she was returning home from the canal and asked him to wait for her at Pokharia Chowk. Accordingly, at about 09:00 P.M., when the informant reached Pokharia Chowk, she found her husband standing there with his motorcycle. She boarded the motorcycle and started returning home along with her husband. It is alleged that when they had proceeded about 100 metres ahead of Pokharia Chowk, 5–6 persons, armed with country-made pistols (kattas) and three-nut firearms, came onto the road and attempted to intercept them. When her husband tried to accelerate the motorcycle to escape, one of the accused persons opened fire at him, as a result of which both the informant and her husband fell down along with the motorcycle. Thereafter, one of the accused persons, armed with a three-nut firearm, shot her husband in the head. Subsequently, another accused person, whom the informant identified as Ranja Yadav, also fired at her husband’s head, resulting in his death on the spot. Out of fear,

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the informant fled from the place of occurrence, raising an alarm. It is further alleged that the accused persons fired three to four rounds before fleeing towards the fields. Upon hearing the informant's cries and screams, some persons informed the police, who arrived at the place of occurrence. The informant alleged that, owing to previous enmity, Ranja Yadav and Lavan Yadav, along with four other associates, had shot and killed her husband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. He further submits that there is no specific allegation against the petitioners and that they have not been named in the F.I.R., rather, their names surfaced during the course of investigation. Learned counsel further submits that there was previous enmity between the parties and that the petitioners are agnates of the informant. Despite the alleged enmity, their names have not been mentioned in the F.I.R., which indicates their non-involvement in the alleged occurrence. Learned counsel further submits that one co-accused, namely Manikant Kumar, whose name had also surfaced during the course of investigation, has already been granted anticipatory bail vide order dated 02.09.2026 passed in

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Cr. Misc. No. 63036 of 2026. Learned counsel further submits that the petitioner, namely, Sudhanshu Kumar, in Cr. Misc. No. 65817 of 2026, is in custody since 12.06.2026, whereas the petitioner, namely, Abhishek @ Bambam Kumar, in Cr. Misc. No. 67896 of 2026, is in custody since 13.06.2026. He further submits that both the petitioners have clean antecedent. Therefore, the petitioners deserve to be enlarged on regular bail.

5. Learned A.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail, submitting that the allegations against the petitioners are serious in nature. Learned A.P.P. further submits that the names of the petitioners surfaced during the course of investigation. Therefore, the petitioners do not deserve the privilege of regular bail.

6. Having heard the rival submissions, upon going through the records and on perusal of the case diary, it appears that there is no specific allegation against the petitioners and they are not named in the F.I.R. One co-accused, namely, Manikant Kumar, whose name had also surfaced during the course of investigation, has already been granted anticipatory bail. It further appears that specific allegations have been levelled against two other accused persons, namely, Lavan

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Kumar and Ranjan Yadav, of having fired at the deceased. They were allegedly present at the place of occurrence and have been specifically named in the F.I.R. As regards the petitioners, apart from their confessional statements, there appears to be no other material connecting them with the alleged occurrence. It further appears that the petitioners have been implicated and arrested merely on the basis of suspicion and one co-accused person has already been granted bail by this Court. Taking into consideration the aforesaid facts and circumstances, particularly the nature of the allegations, the materials available in the case diary and the period of custody of the petitioners, this Court is of the view that the petitioners deserve to be enlarged on bail, accordingly, let the above-named petitioners be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten thousand), with two sureties of the like amount each to the satisfaction of the learned court of A.C.J.M. - 1st, Naugachia, Bhagalpur in connection with Gopalpur P.S. case no. 187 of 2026, subject to the following conditions :-

(i) Petitioners 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 their absence on two consecutive dates without sufficient

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reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

(Girijish Kumar, J)

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