IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77247 of 2026

CNR No. BRHC011030422026

Arising Out of PS. Case No.-348 Year-2022 Thana- KHAGARIA District- Khagaria

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Shambhu Kumar S/o Late Vino Yadav Resident of village - Mathar, P.S - Muffasil, District - Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Purushottam Kumar, Advocate
Mr. Pranshu, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. Earlier, anticipatory bail of the petitioner has been dismissed as withdrawn by a Co-ordinate Bench of this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 35003 of 2023.

3. The petitioner seeks bail in connection with Khagaria (Mufassil) P.S. Case No. 348 of 2022, instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code in which subsequently Section 302 of the Indian Penal Code was also added.

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4. The prosecution case, in short, is that on 22.04.2022 at about 8:00 A.M., when the informant's father objected to the petitioner and co-accused persons while blocking a public road by placing bricks, they allegedly assaulted him with rods and a *khanti*, causing serious head injuries and rendering him unconscious and thereafter succumbed to injury. It is further alleged that the accused persons threatened the villagers with firearms and one co-accused snatched the informant's father's gold chain.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. It is next submitted that the petitioner is a constable in C.R.P.F. Although the petitioner is said to have assaulted the deceased, but the post-mortem report is not in consonance with the prosecution case. The petitioner is in custody since 29.07.2026 and has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 20.06.2024 passed

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in Cr. Misc. No. 40342 of 2024.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Mufassil) P.S. Case No. 348 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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