IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81053 of 2026

CNR No. BRHC011160652026

Arising Out of PS. Case No.-304 Year-2024 Thana- UDAKISHUNGANJ District-Madhepura

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Dilkhush Kumar S/O Amrendra Yadav R/O Vill.- Parshi, ward no.- 3, P.s.- Arar, Dist.- Madhepura

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner, Mr. Randhir Kumar No. 1 and Mr. Nirmal Kumar Sinha, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Udakishunganj P.S. Case No. 304 of 2024 registered for the offences punishable under Sections 109(1) and 3(5) of the B.N.S. and Section 27 of the Arms Act and subsequently added Section 309(6) of the B.N.S.

3. As per the prosecution case, the informant has alleged that while his nephew was going on his bicycle, three unknown criminals riding on a motorcycle, shot on the arm of

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his nephew and had even assaulted him.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case merely on the basis of village politics and because the petitioner carries a long list of criminal antecedents and has been taken on remand in one another case after one year two months. No incriminating article has been recovered from the possession of the petitioner. It is submitted that the petitioner is not named in the FIR and the FIR was lodged against three unknown persons.

5. It is further stated on behalf of the petitioner that apart from the self confessional statement of the petitioner, there is nothing to connect the petitioner with the aforesaid incident. No injury report was available on record till 15.08.2025. It is also stated that the petitioner was neither arrested on the spot nor he has been put on TIP and also he was not identified by the informant.

6. The petitioner is languishing in judicial custody since 24.02.2026 and having ten criminal antecedents. The petitioner has been acquitted in three cases and is on bail on the rest seven cases. Charge sheet has already been filed against the petitioner. The Co-ordinate Bench of this Hon’ble Court vide

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order dated 05.11.2026 in Cr.Misc No. 80589 of 2026 have already granted bail to the other co-accused namely, Chandan Kumar in offence of similar nature.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, 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 learned A.C.J.M.- I, Udakishunganj District Madhepura in connection with Udakishunganj P.S. Case No. 304 of 2024, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the

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witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) The trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of the bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed in name of verification.

(Kumar Manish, J)

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