IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79659 of 2026

CNR No. BRHC011163472026

Arising Out of PS. Case No.-285 Year-2026 Thana- KURSAILA District- Katihar

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Shahil Kumar S/o Bhumeshwar Sah @ Bhuneshwar Sah Resident of Village- Purani Nand Gola, P.S.- Tikapatti, District- Purnea

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bhola Prasad, Adv.
For the Opposite Party/s : Mr.Nand Kishore Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Section 319(2), 318(4), 340(2), 61(2), 111, 338, 336(2) and 3(5) of the B.N.S and Section 10 of the Bihar Conduct of Examination Act and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the allegations made in the F.I.R., during vehicle checking, the police apprehended the co-accused, Sonu Kumar, along with this petitioner. Upon search, admit card sheets, blank cheques, stamp papers and nine cartridges were allegedly recovered from the possession of the co-accused, Sonu Kumar. Besides upon search from the house of the petitioner

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some documents were recovered.

4. Learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner except his mobile and the documents recovered from his house belonged to Sonu Kumar. So far as the nine cartridges and other relevant documents are concerned, the same are stated to have been recovered from motorcycle which was in the possession of the co-accused, Sonu Kumar, and since petitioner was accompanying him, it became the reason for his implication in the present case. It is further submitted that the petitioner is not involved in any manner in the alleged racket. Learned counsel for the petitioner submits that the petitioner is aged about 22 years, is a student and has a clean antecedent. Lastly, learned counsel submits that the petitioner undertakes to cooperate in the trial and not to repeat the offence.

5. The petitioner has been in judicial custody since 19.07.2026.

6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the fact that no recovery has been made from the conscious possession of the petitioner, and the alleged recovery has been made from the possession of

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motorcycle belonging to the co-accused Sonu Kumar, coupled with the clean antecedent of the petitioner and the fact that he is a student, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Court of J.M.- 1st class Katihar or concerned Court, in connection with Kursela P.S. Case No. 285 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the

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petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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