

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79969 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- DURGAWATI District- Kaimur (Bhabua)

Mohammad Danish @ Mohammad Arshad S/o Muhammad Munna @ Md.
Munna R/o Village - Ishapur, Mudia Tola (Murgiya Tola), Phulwarisharif, P.S
- Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Jagjit Roshan, Advocate Mr. Anjani Kumar, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 109, 103 and 3(5) of the B.N.S. and Sections 25(1-b)a, 26 and 27 of the Arms Act.

3. The prosecution case, in brief, is that informant's elder son, namely Tarkeshwar Paswan, went to Khajura Bazar with Krishna Paswan and Rishikesh Paswan. After sometime, informant came to know that there was firing at Khajura Bazar and when the informant reached there, he saw his son was lying dead and blood was oozing from his head, leg and hand. Upon inquiry, Rishikesh Paswan told him that one Baleno Car having



Reg. No. BR06CN-6987 came there in which five persons, namely Md. Danish (petitioner), Md. Nehal, Santosh Kumar, Afroz and Saheb Paswan, were seated and they made indiscriminate firing. Md. Nehal shot Tarkeshwar and in course of rescue Krishna Paswan got injured.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of causing fire arm injury is against co-accused Md. Nehal. So far as this petitioner is concerned, he is only alleged to have been seating in the car and no specific accusation of overt act has been alleged against him. Even during course of investigation, Rishikesh Paswan and Krishna Paswan, who were present at the place of occurrence with the deceased and Krishna Paswan also got injured in the occurrence, did not name this petitioner as the assailant of the deceased. It is further submitted that similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated 18.11.2025 passed in *Cr. Misc. No. 74478 of 2025* and order dated 26.11.2025 passed in *Cr. Misc. No. 81051 of 2025*. Moreover, charge-sheet has already been submitted and petitioner is in



custody since 21.05.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, fact that petitioner is not the assailant of the deceased, claim based on parity and period of custody, the prayer for grant of bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 learned Additional Sessions Judge-III, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 150 of 2025.

(Prabhat Kumar Singh, J)

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