IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82338 of 2026
CNR No. BRHC011168292026
Arising Out of PS. Case No.-87 Year-2026 Thana- BASANTPUR District- Siwan

==========

Rohit Kumar @ Rohit Kumar Kushwaha @ Rohit Kushwaha @ Risu @ Raju S/o Shivjee Kushwaha @ Shivji Kumar Resident of Village - Chauki Hasan, P.S - G B Nagar, District - Siwan

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

==========

Appearance :
For the Petitioner/s : Mr. Anil Chandra, Adv.
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

==========

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Basantpur P.S. Case No.87 of 2026 registered for the offences punishable under Sections 132, 109, 121(1) & 317(5) of the B.N.S. and Sections 25(1-B)(a), 26, 35 & 27 of the Arms Act and Sections 8, 20(B)(ii) A of the Narcotic Drug & Psychotropic Substances Act, 1985.

3. The accused/petitioner named in the FIR and is in custody since 10.04.2026.

4. As per FIR, petitioner alleged to fleeing away alongwith co-accused persons through his motorcycle bearing Registration No.BR29W-1356, defying the signal of police to stop. When police team while chasing petitioner and co-

WEB COPY

accused come closer, petitioner alleged to open firing upon the police team, where in retaliation, police also fired upon them, hitting two bullet in the leg of one of the co-accused namely, Rohit Sharma. Petitioner also alleged to have in possession of 20 sachets of smack total of 4.850 grams.

5. It is submitted by learned counsel appearing for the petitioner that the learned trial court rejected the bail prayer of the petitioner without considering the merit of this case, merely on the ground that the petitioner concealed his two criminal antecedents. It is further submitted that in fact the petitioner was remanded subsequently to these two cases after apprehending in present case, and therefore, it was not in his knowledge. It is further submitted that without having any occasion, police fired upon co-accused hitting to his leg, and therefore, to save from present unwanted encounter, the allegation of firing and also possessing contraband was raised against this petitioner.

6. Arguing further, it is submitted that even if the total weight of contraband be taken into consideration, it falls to less than smaller quantity of smack which is of 5

WEB COPY

grams, for which the maximum punishment is 3 years and is also bailable in nature.

7. While concluding argument, it is submitted that investigation of this case has already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

8. Learned APP opposed the prayer of bail.

9. In view of aforesaid factual submissions and by taking note of fact, *prima-facie* the allegation of firing is not specific against the petitioner, in retaliation of which the firing was made by police, and also considering the recovered quantity of smack which is less than smaller quantity, coupled with the fact that investigation of this case has already completed, wherein petitioner remains in custody since 10.04.2026, accordingly, the petitioner above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Siwan, Dist.-Siwan in connection with Basantpur P.S. Case No.87 of 2026, subject to the

WEB COPY

conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Raushan/-

U		T	

WEB COPY