

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83165 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- RAJGIR District- Nalanda

Hariom Kumar S/o Late Shambhu Kumar R/o Village- Naipokhar, P.S.-
Rajgir, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 86044 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- RAJGIR District- Nalanda

Saurabh Kumar @ Mamu S/o Deena Prasad @ Guruji R/o - Naipokhar, P.S -
Rajgir, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 83165 of 2025)
For the Petitioner/s : Ms.Kanchan Kumari, Advocate
Mr. Gopesh Raj, Advocate
For the State : Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant : Mr. Sumit Kumar Jha, Advocate
Mrs. Rakchika Shekhar, Advocate
(In CRIMINAL MISCELLANEOUS No. 86044 of 2025)
For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the State : Mr.Anil Kumar Singh No. 1, APP
For the Informant : Mr. Sumit Kumar Jha, Advocate
Mrs. Rakchika Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-02-2026 Since both the petitions arise out of Rajgir P.S. Case

No. 151 of 2025 they are taken up together and are being

disposed of by this common order.



02. Heard learned counsels for the petitioners and learned APP for the State as well as learned counsel appearing on behalf of the informant.

03. In the present case, the petitioners seek bail in connection with Sessions Trial No. 813 of 2025, arising out of Rajgir P.S. Case No. 151 of 2025 registered for the alleged offences under Sections 103(1), 238(c), 61(2)(a), 3(5) of B.N.S. and Section 27 of the Arms Act.

04. As per prosecution case, the brother of the informant went missing and later on, his dead body was recovered from a well with bullet injuries. The informant showed her suspicion against six persons named in the FIR. The name of the petitioners transpired during investigation for being involved in the murder of the brother of the informant.

05. It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in this case. The petitioners are not named in the FIR and they have nothing to do with the alleged occurrence. The petitioner Hariom Kumar is the cousin of the deceased and he has no reason to kill him. Petitioner Hariom Kumar has no concern with co-accused Saurabh Kumar and has been dragged in this case merely on mobile conversation with him. It has further



been submitted that there is no eye witness to the whole occurrence and there is no enmity. Learned counsel for the petitioner Hariom Kumar submits that he is having clean antecedent and he is in custody since 22.03.2025. Charge sheet has been submitted. Learned counsel further submits that similarly placed co-accused persons Keshav Kumar, Harshit Kumar and Keshav Kumar @ Bauna have been granted bail by Co-ordinate Bench vide orders dated 12.12.2025 and 21.11.2025 passed in Cr. Misc. Nos. 58673 of 2025 and 60226 of 2025, respectively.

Learned counsel appearing on behalf of petitioner Saurabh Kumar @ Mamu suibmits that the name of the petitioner came up during investigation on the basis of location of mobile phone near the place of occurrence. The petitioner was apprehended and his confessional statement was recorded in which he admitted being the part of the mob which killed the brother of the informant. Even if the confessional statement of the petitioner is relied, the allegation against him is that he caused injury in the hand of the deceased. Learned counsel further submits that though the recovery of firearm used in the crime has been shown at the instance of the petitioner, but the said firearm has not been put to any test to check whether the



same firearm was used to kill the brother of the informant. The petitioner belongs to the same village and there is no enmity. The petitioner has antecedent of three cases. He is in custody since 22.03.2025 and charge sheet has been submitted.

06. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the specific allegation against the petitioner Saurabh Kumar is that recovery of firearm has been made at his instance. There is no such recovery at the instance of other petitioner. Learned counsel concedes that the case of the petitioner Hariom Kumar is covered with similarly placed co-accused persons, who have been granted bail, but the case of petitioner Saurabh Kumar is different.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner Hariom Kumar with lack of substantive material against him and also considering the grant of bail to the similarly placed co-accused persons and further considering the period of custody, his clean antecedent and submission of charge sheet, the



petitioner Hariom Kumar is directed to 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 Principal Sessions Judge, Nalanda at Bihar Sharif/concerned Court in connection with Sessions Trial No. 813 of 2025, arising out of P.S. Case No. Rajgir P.S. Case No. 151 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

08. However, considering the nature of allegation and recovery of alleged firearm used at the instance of the petitioner Saurabh Kumar @ Mamu, his prayer for bail is rejected.



09. Learned trial court is directed to expedite the trial and conclude it at the earliest.

(Arun Kumar Jha, J)

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