

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90261 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- LAUHIYANAGAR District- Begusarai

1. Alok Kumar Son of Late Dippal Mahto, Resident of village Bagha, P.S.- Lohiyanagar, District - Begusarai.
2. Rahul Kumar Son of Late Dippal Mahto, Resident of village Bagha, P.S.- Lohiyanagar, District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Kr. Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Lohiyanagar P.S. Case No. 75 of 2025 dated 14.07.2025, registered for the offences punishable under Sections 61(2) and 103(1) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, petitioners and other co-accused persons opened indiscriminate fire upon the husband of the informant and also on his friend and the assailants were being instigated by the lady members of their family. The husband of the informant died during his treatment.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The petitioners and the deceased are agnates and there was relationship of nephew and uncle between the father-in-law of the informant and the father of the petitioners, who were own brothers. The father of the petitioners was killed by the husband of the informant for which Lohiyanagar P.S. Case No. 419 of 2018 was instituted against husband of the informant, Amit Kumar and other co-accused persons. The accused persons of the present case are chargesheet named witnesses in the said case. Lohiyanagar P.S. Case no. 419 of 2018 was committed to the Court of Sessions and Session Trial No. 163 of 2019 started and after framing of charge, recording of deposition of prosecution witnesses is going on. The petitioners were being threatened not to depose in the said case and compromise the matter by the husband of the informant. When the petitioners did not compromise the matter, the husband of the informant and others tried to kill the petitioner, Rahul Kumar, and Begusarai P.S. Case No. 631 of 2019, lodged under Section 307 of the Indian Penal Code read with Section 27 of the Arms Act, was registered against them. The said case was also committed for Sessions Trial *vide* Session Trial No. 412 of 2023. Learned counsel further submits



that the deceased husband of the informant was a notorious criminal and was accused in large number of cases and three such cases were lodged by family members of the petitioners and the petitioners as well. The deceased has been absconding in Sessions Trial No. 163 of 2019, though all the witnesses were examined and the matter was fixed for recording of statement of accused persons under Section 313 of the Cr.P.C. Learned counsel further submits that it appears that the deceased received injury in some other manner, but to take advantage of this fact, the petitioners have been falsely been implicated in the present case. In fact, the petitioners were not even present near the place of occurrence as they were going to Vaishno Devi from Patna by flight, first to Delhi and thereafter to Vaishno Devi on 12.07.2025 and returned to Delhi from Jammu on 15.07.2025. Though, the related documents were submitted to police, but the same was not taken into consideration. The *post-mortem* report also falsifies the allegation against the petitioners and other co-accused persons, since only one fire-arm injury was found on the person of the deceased. Though, during investigation police traced some video footage on CCTV camera, but only two persons fleeing on steel gray bike were seen, apart from three accused person on another motorcycle but



none of the footage show the picture of the petitioners. Even the injured friend of the deceased did not name the petitioners for being involved in the shooting. Learned counsel next submits that petitioners are having antecedent of two cases and they are on bail in the said cases. Learned counsel lastly submits that petitioners are in custody since 15.09.2025 and chargesheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioners and submits that the informant named the petitioners and other co-accused persons for being involved in the murder of her husband by opening indiscriminate firing.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the *post-mortem* report and material available on record against the petitioners and also considering the background of dispute between the parties and further considering period of custody of the petitioners and submission of chargesheet, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai / concerned Court,



in connection with **Lohiyanagar P.S. Case No. 75 of 2025**,
subject to the condition laid down under Section 480(3) of the
B.N.S.S. and other following conditions:

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

(Arun Kumar Jha, J)

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