

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91435 of 2025

Arising Out of PS. Case No.-392 Year-2025 Thana- BIHIA District- Bhojpur

Manu Kumar Son Lt. Kishori Singh, Resident of Village - Phingi Near Shiv
Mandir, P.S. - Bihiya, Dist. - Bhojpur, Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bihiyan P.S. Case No. 392 of 2025 dated 21.10.2025, registered for the offences punishable under Section 109(1) read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, while informant and his associates were exploding firecrackers, 6 to 7 persons riding three motorcycles came there and surrounded them. They entered into a scuffle with them, and these persons opened fire upon the informant and others and the informant received gunshot wounds and his co-villager succumbed to the fire-arm injury.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely



been implicated in the present case. The petitioner was apprehended in this case merely on the basis of suspicion and name of the petitioner transpired during investigation in the confessional statement of the co-accused Vishal Kumar, who confessed his guilt and subsequently, the confessional statement of the petitioner was also recorded. However, nothing incriminating has been recovered from person or possession of the petitioner and he has not been put to any test identification parade till date. The allegation of opening fire is against co-accused Laddu Yadav and in the firing made by Laddu Yadav, one person lost his life. Learned counsel further submits that except for the confessional statement of the co-accused, there is no substantive material against the petitioner and nothing incriminating has been recovered from person or possession of the petitioner. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 03.11.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of material collected by the police against this petitioner and also considering the fact that nothing incriminating has been



recovered from the petitioner and further considering his clean antecedent, his period of custody and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhojpur at Ara / concerned Court, in connection with **Bihiyan P.S. Case No. 392 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 petitioner.

(ii) The petitioner 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 petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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