

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90984 of 2025

Arising Out of PS. Case No.-428 Year-2025 Thana- ALOULI District- Khagaria

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Kumar Jee Kumar S/o Thaku Yadav @ Thakkan Yadav R/o vill - Alauli, P.s.-
Alauli, Distt.- Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Mr. Vivekanand Singh, learned counsel for the

petitioner and Mr. Rajendra Nath Jha, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
30.09.2025 in connection with Alauli P.S. Case No. 428 of 2025,
F.I.R. dated 29.09.2025 for the offences punishable under
Sections 310(4), 310(5), 303(2) and 3(5) of the BNS, 2023 and
Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. According to prosecution case, the police got secret
information that this some persons are planning to commit some
offence. Acting on such information, police have conducted raid
and apprehended the petitioner and other accused persons and
from this petitioner's possession one country made pistol, three
live cartridges and one mobile phone were recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. It appears from the seizure list that one country made pistol, three live cartridges and one Android Vivo mobile phone have been recovered from the possession of the petitioner. He further submits that the recovery has also been made from the other accused persons namely, Ramvijay Kumar @ Ram Vijay Kumar who has been granted bail by a Co-ordinate Bench of this Court vide order dated 19.02.2026 passed in Cr. Misc. No. 9500 of 2026 and another co-accused, namely, Kundan Kumar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 28.01.2026 passed in Cr. Misc. No. 3063 of 2026. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.09.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances that the similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 428 of 2025, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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