

**In the Court of Smt. Madhu Agrawal, District and Addl. Sessions Judge III,
Banka.**

Bail Petition. No. 296/2026.
Barahat P.S case no. 72/2026.

1. Kush Kumar, aged about 40 years, S/o Sanjay Manjhi

..... Accused/petitioner.

Versus

The State of Bihar.

O.P

For the petitioner :-

Sri Sanjay Kant Dubey, Ld. Advocate.

For the state:-

Sri Pankaj Kumar, Ld. Addl. P.P.

ORDER

10.06.2026. Bail petition has been filed on behalf of the custody accused/petitioner namely Kush Kumar, who is in judicial custody since 05.04.2026 in connection with Barahat P.S. case no. 72/2026 Under sections 126 (2), 118(1), 109(1), 352, 351(2), 3(5) of B.N.S and 27 of the Arms Act is moved today.

Heard the learned Counsel for the petitioner and the learned Addl. P.P. for the state.

The prosecution case, in brief is that, on 15.03.2026 at around 06.00 P.M, when the informant was returning from the market with his brother Mahanand Choudhary and reached near the Anganwadi Centre, Mirzapur, they saw that Golu Yadav, Gopal Choudhary, Kush Kumar, Sharad Yadav, Bipin Yadav and Bharat Yadav was sitting there. When he asked them why they were threatening to kill his brother, all the accused persons started abusing. In the meantime, Kush Kumar and Golu Kumar took out pistol from their waist and shot his brother Mahanand Choudhary due to which he got injured. He is undergoing treatment in Mayaganj Hospital and earlier they have shot his brother-in-law who died during course of treatment.

The learned counsel for the petitioner submitted that the petitioner is quite innocent and has not committed any offence as alleged in the FIR. It has been further submitted that earlier on behalf of the petitioners neither ABP nor regular bail petition has been filed either in this Ld. Court or the Hon'ble High Court, Patna. It has been further submitted that petitioner has no criminal antecedent except this case. It has been further submitted that petitioners are in judicial custody since 05.04.2026. It is stated that It has

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further stated that section 109(1) of BNS is concerned and alleged in the F.I.R. that petitioner assaulted with a country made pistol causing injury on the chest of victim person Mahanand Choudhary. It has been further submitted that petitioner is respectable persons and he is ready to furnish the bail bond, which will be deem fit and proper. Hence, there is no chance of his absconding.

The learned Addl. P.P. for the state vehemently opposed the prayer of bail.

I have heard the rival submission of both the parties and perused the case diary. The allegation against the accused petitioner is that he along with the co-accused person took out pistol from their waist and shot the informant's brother Mahanand Choudhary due to which he sustained injury. There is sufficient materials in the case diary to show the complicity of the accused petitioner in the alleged offences. Investigation is in progress. Despite repeated directions, the injury report has not been brought on record. Neither the prosecution nor the S.H.O/I.O has produced the same, for the reasons best known to them. Even the show-cause notice issued in this regard remained ineffective and yielded no response. As per para 03 of the bail petition and as per para 82 of the case diary, the petitioner has two criminal antecedents.

Considering the above mentioned facts and circumstances of the case, nature of allegation, gravity of the offence and investigation is in progress, I am not inclined to enlarge the accused/petitioner on bail. Accordingly, prayer for granting bail of accused petitioner namely Kush Kumar is hereby **rejected**.

Any observation made herein will be inconsequential during trial or any further stage of the case.

Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.

Dictated.

Distt. and Addl. Sessions Judge-III
Banka.
10.06.2026