

In the Court of District & Additional Sessions Judge -IV, Begusarai

B.A. No. 301 of 2026
Arising out of Ratanpur P.S Case No. 08 of 2026

Nikku Kumar Petitioner

Versus

The State of Bihar Opp. Party

13.03.2026

1. The present regular bail application has been filed on behalf of the accused namely, **Nikku Kumar** who is in custody since 13.02.2026 in connection with **Ratanpur P.S Case No. 08 of 2026** for having committed offences punishable under sections 109(1), 3(5) B.N.S & 25(1-b)a, 26, 27, 35 Arms Act.
2. Learned advocate on behalf of the petitioner has submitted that the petitioner is quite innocent and has not committed any offence. It was further submitted that earlier no bail application has been moved on his behalf either before this court or before the Hon'ble Patna High Court. As for the merits of the case the Ld. Counsel for the petitioner has submitted that the petitioner neither assaulted the informant nor any prosecution party hence section 109 of B.N.S is not attracted against the petitioner. No arms has been recovered from the conscious possession of the petitioner. Section 25 of Arms Act deals conscious possession of the illegal Arms, section 26 of Arms Act deals concealment of Arms and section 35 of Arms deals joint possession of the illegal arms but there is no application u/s- 25(1-b)a, 26, 35 Arms Act against this petitioner. Co-accused Monu and Shivam have assaulted the petitioner and the petitioner sustained severe injuries, the I.O produced the petitioner before this learned court but your honour has been pleased to see the petitioner in precarious condition hence your honour has been pleased to pass an order to admit the petitioner in Sadar Hospital, Begusarai without remand and after 15 days petitioner has been remanded in this case on 13.02.2026. It was further submitted that the petitioner is an accused of Ratanpur P.S Case No. 88/2025 u/s- 115(2), 117(2), 303(2) of B.N.S and section 37 of Bihar Prohibition and Excise Act in which he is on bail. On these grounds, it has been prayed that the bail application of the petitioner be allowed.
3. Learned counsel for the State opposed the prayer of the bail of the petitioner and submitted that the petitioner is named in the FIR and he has committed a serious offence. Hence, he does not deserve bail.
4. The case of the prosecution in short that S.I Rajeev Ranjan S.H.O Ratanpur recorded his self-statement at Ratanpur P.S Begusarai alleging therein that on 24.01.2026 at about 16:08 hours he received confidential information that one person has been seriously injured near Canara Bank Hiralal Chowk and the informant informed the higher police officer. The informant reached near place of occurrence and found huge quantity of blood then informant informed the FSL team and FSL team reached and seized the articles near the P.O. It is further alleged after enquiry from the local police three persons namely Nikku Kumar, Md. Sonu, Shivam Kumar were cleaning the pistol during which fire occurred then Nikku Kumar has been seriously injured from fire arm injury and he was admitted to clinic of Dr. Ashok Sharma. The informant

Naveen

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reached at Dr. Ashok Sharma's clinic and found one person standing near cash counter and upon suspicion interrogation he disclosed his name Shivam Kumar S/o-Ashok Kumar and he disclosed Nikku Kumar was seriously injured due to cleaning of arms. It is also alleged that Shivam Kumar fled away and the parents of Nikku Kumar stated that Shivam Kumar took Nikku in injured condition. It is further alleged that the informant raided the house of Shivam Kumar and arrested and on the instance of Shivam Kumar one country made pistol and one empty cartridge has been recovered from the tin. The informant seized the auto pistol. A seizure list has been prepared. It is further alleged that Shivam Kumar confessed the owner of pistol is Nikku Kumar. It is alleged that the informant arrested Md. Sonu @ Ibran with the help of other police personnel. Hence, this case.

5. Heard both sides and perused the record. As per FIR the petitioner himself is injured by gunshot and fire was occurred during cleaning of pistol. The injury report of petitioner says grievous injury and he is still under treatment. The alleged pistol used by the child with law and the pistol was also recovered on his statement. In case diary there is nothing against the petitioner. From perusal of case diary I find that section 109 is not attracted against the petitioner. The petitioner is in custody since 13.02.2026 and he is injured. Therefore, keeping in mind the period of custody and nature of allegation. I find proper to give him benefit of bail to the petitioner.

ORDER

6. In the light of facts and circumstances as mentioned above and period of incarceration of petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of like amount each to the satisfaction of the learned trial court with conditions that :-

1. **One of the bailor should be family member or close relative.**

Dictated

Navin

I/c District and Addl. Sessions
Judge-IV, Begusarai

Date of Order	13.03.2026
Date of reserving Order	N.A
Uploading Date	26.03.2026
Uploaded by	Brigendha Kumar