

**IN THE COURT OF SRI SURESH KUMAR SRIVASTAVA DISTRICT &
ADDITIONAL SESSIONS JUDGE- III , BHAGALPUR.**

Bail Application No. 505/2026

(Arising out of Habibpur P.S. Case No. 60/2026)

U/s 126(2), 194(2), 109, 352, 351(2), 351(3), 3(5) B.N.S. and 27 Arms Act.

Page-1

In the matter of:

1. Amit Kumar, Aged 21 years, S/o Prakash Sah,

2. Bittu Kumar, Aged 19 years, S/o Manoj Kumar Sah, R/o Village- Ambe Hatiya, P.S.
Habibpur, Distirct- Bhagalpur-----**Petitioners.**

Versus

The State of Bihar-----**Respondent.**

Appearance:

For the Petitioners: Mr. Vikash Kumar, Ld. Advocate.

For the State: Mr. Kashi Nath Mishra, Ld. A.P.P.

ORDER

Sl No.	Date of Order or Proceeding	Order with Signature of the Court	Office action taken with Date
1	2	3	4
	02-06-2026	1. This application for regular bail u/s 483 of the BNSS is filed on behalf of the petitioners namely 1. Amit Kumar and 2. Bittu Kumar, who are in judicial custody since 04.04.2026 in connection with Habibpur P.S. Case No. 60/2026 for the offence punishable u/s 126(2), 194(2), 109, 352, 351(2), 351(3), 3(5) B.N.S. and 27 Arms Act. 2. On behalf of the petitioners a certificate has been given at para 2 of the bail petition that earlier no bail application in any form has been filed either before the Sessions Court or before the Hon'ble High Court, Patna. Petitioners have also mentioned in para 3 of the bail petition that they have no criminal antecedent. 3. Heard, the learned counsel for the petitioners and the learned A.P.P. 4. Brief fact of the case is that the informant Md. Tariq has filed FIR alleging that on 28.03.2026 at around 11:30 o'clock in the night, while returning home from his maternal grandmother's home, the informant was allegedly stopped near the home of one Nisar by Sushant Jha, Mithilesh Kumar and Amit Kumar, who arrived on a motorcycle. It is further alleged that Sushant Jha abused him, brandished a pistol, and fired in the air while threatening to kill him. In the meantime, Bittu Kumar, Karan Kumar and Raunak Kumar allegedly arrived on another motorcycle, abused the informant and Karan Kumar took the pistol from Sushant Jha and attempted to fire in the air, threatening local people before fleeing.	

**IN THE COURT OF SRI SURESH KUMAR SRIVASTAVA DISTRICT &
ADDITIONAL SESSIONS JUDGE- III , BHAGALPUR.**

Bail Application No. 505/2026

(Arising out of Habibpur P.S. Case No. 60/2026)

U/s 126(2), 194(2), 109, 352, 351(2), 351(3), 3(5) B.N.S. and 27 Arms Act.

Page-2

02-06-2026

5. The Ld. counsel for the petitioners argued that the petitioners are innocent and have not committed any offence and they have been falsely implicated in this case due to conspiracy. It was further argued that entire allegations are baseless and none of the sections are made out against the petitioner. It was further argued that except section 109 BNS and 27 Arms Act other sections are bailable. It was further argued that section 109 BNS is added only to make the offence non-bailable as the informant has not injured in the alleged occurrence. It was further argued that occurrence is of 28.03.2026 and the FIR has been lodged on 29.03.2026, hence, petitioners deserve bail.

6. On the other hand, the Ld. A.P.P. has opposed the prayer for bail.

7. Perused the case diary and record. The CCTV footage referred to in para 8 of the case diary prima facie supports the prosecution version that the petitioners were present at the place of occurrence. Charge-sheet against the petitioners has been submitted u/s 109 B.N.S. and u/s 27 of the Arms Act including other offences of B.N.S. Earlier regular bail petition of co-accused persons has been rejected.

8. Considering the aforesaid fact and circumstances and the nature of offence, I am not inclined to grant bail to the petitioners. Accordingly, the bail application of the petitioners is hereby rejected.

9. Any observation made herein above is not an opinion on the merits and the same is only for the purpose of the instant bail petition.

Sd/-

District & Additional Sessions Judge III
Bhagalpur.

Date of Judgment/order	02.06.2026
Date of reserving Judgment/order	N.A.
Uploading Date	03.06.2026
Uploaded By	Stenographer