

Sharad Chandra Kumar, District & Addl. Sessions Judge-20th, Muzaffarpur
B.P.- 644/2026

Surajkant Kumar @ Bittu..... Petitioner
Vs.

State of BiharO.P.

ORDER

13.05.2026. A petition for bail dated 28.04.2026 along with power and certified copy of documents has been filed on behalf of accused petitioner namely **Surajkant Kumar @ Bittu**, who is in judicial custody since 01.04.2026 in connection with Rampurihari P.S case no. 220/2025 dated 08.12.2025, u/s 103(1)/3(5) of BNS and section 27 of the Arms Act.

Ld. Counsel on behalf of defence Sri Richa Smriti and Ld. Chief Prosecutor on behalf of state are present before the court.

Brief fact of the case is that informant Brahmdev Sah has alleged that on 08.12.2025, at about 7.00 am in the morning his son Mintu Kumar Sah was at his home. In the meantime, Ramesh Rai came to his house and asked the informant to meet with Ajay Kushwaha for taking due amount which he had earlier taken as loan. It has been further alleged that the informant's son had given 2 to 3 lakhs rupees to Ajay Kushwaha but return of payment was being delayed by Ajay Kushwaha and he was saying that he will pay the amount tomorrow or on the other day. On request of Ramesh Rai, his son Mintu Kumar went to meet with Ajay Kushwaha at Rupauli, on motorcycle. After sometime, near under construction building of Ajay Kushwaha two unknown persons fired upon Mintu Kumar and shot him dead, as a result of which he died on place of occurrence itself. The informant has suspicion that Ajay Kushwaha, Ramesh Kumar with the help of two unknown criminals have committed murder of his son Mintu Kumar Sah by causing bullet injuries.

The Ld. Counsel on behalf of petitioner has submitted that the petitioner is quite innocent and he has been falsely implicated in this case due to previous enmity, grudge and dirty village politics. The petitioner has got no criminal antecedent. He is languishing in judicial custody since 20.03.2026. No fire arms were recovered from the possession of this petitioner and Section 27 of the Arms Act does not make out against this petitioner. Section 103(1) of BNS does not make out against the petitioner as there is no concrete or material evidence available against this petitioner. Petitioner is not named in the FIR. The name of this petitioner has been emerged in this case on confessional statement. There is no direct allegation against this petitioner as the informant has stated that two unknown men have shot the deceased. There is not a single independent

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eye witness in this case. There is no relation between both of them. Petitioner is a poor person and he sells vegetables to fulfill his daily needs. The petitioner is man of means and there is no chance of absconding. On these grounds prayer for bail has been made.

On the other hand, learned Chief Prosecutor has vehemently opposed the prayer of bail.

Heard both the parties and perused the case record. From the perusal case diary it appears that the informant has reiterated the facts of the case in para 8 of the case diary. The witnesses have also stated in similar lines in para 9 and 10 of the case diary. The Co-accused Pankaj Kumar has stated during his confessional statement in para 50 of the supplementary case diary 08 regarding the involvement of this petitioner in crime. As per the inquest report, the deceased was shot dead. The seizure list shows that three Khokhas were recovered from the place of occurrence. It has been mentioned in the supervision report that the petitioner was seen near the place of occurrence on the date of incident. As per the postmortem report, the deceased died due to hemorrhage, coma and shock due to the injuries caused by projectile fire arm. The injuries were antemortem in nature. Considering the entire facts and circumstances of the case and also considering the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is hereby **rejected**.

(Dictated)

Sd/-

Distt. & Addl. Sessions Judge-20th,
Muzaffarpur.