

In the Court of Addl. Sessions Judge-Vth, Siwan.

Bail Petition No. 509/2026

Siwan Mufassil P.S. Case No. 878/2025

Sachin Kumar Petitioner.

Vs.

The State of Bihar O.P.

ORDER

08.06.2026

This bail petition has been filed on behalf of custodial-accused namely **Sachin Kumar** in connection with Siwan Mufassil P.S. Case No. 878/2025 registered u/s 103(1), 3(5) of BNS against unknown, put up and pressed. The petitioner is in judicial custody since **17.04.2026**.

Heard both sides.

As per the fardbeya of the informant S.I. Mr. Mahesh Kumar recorded by S.I. Mr. Suresh Ram, Town P.S dated on 13.12.25 at 9:30 A.M at Sadar Hospital, Siwan, the prosecution case, in short, is that on 13.12.2025 at about 00:45 A.M, the informant along with other police personnel set out for raiding against wanted accused persons. After raiding within jurisdiction of police station, at about 4:14 A.M, when the informant was at Baisakhi Chowk, then he received secret information that two four-wheeler vehicles loaded with liquor, which is to go to Sahlaur vial Baisakhi. After giving information to the higher authority, hectic vehicle checking started at Baisakhi Chowk. During checking, two four-wheeler vehicles seen to come from Gopalganj Highway, the informant indicated to stop the vehicles, but on seeing the police, they started fleeing away. It is further alleged that one police personnel namely Madhup Kumar alighted from the police vehicle for nature's call, in the meantime, some unknown vehicle dashed and dragged Madhup Kumar and he became severely injured. Thereafter, driver of unknown vehicle fled away with the vehicle. The injured police personnel Madhup Kumar brought to Sadar Hospital, Siwan for treatment, where Madhup Kumar succumbed to his injuries. The informant is in suspicion that, the vehicles, which were chased by the informant and police personnel, the associates of the same vehicles committed the murder of Madhup Kumar (police personnel).

Ld. Counsel of petitioner submits that the petitioner is innocent and has committed no offence rather he has falsely been implicated in this case. The petitioner bears clean past having no criminal antecedent. The petitioner is not named in the F.I.R, the case was registered against unknown. Bare perusal of F.I.R itself, goes to show that this is not a case of murder rather it is purely a case of motor accident occurred coincidentally in the night. The petitioner in no way appears to be associated with the vehicle, raiding party was chasing. F.I.R itself reveals that sepoy Madhup Kumar, member of a raiding party met with an accident while he was attending nature's call along side the road by speeding unknown vehicle, in course of returning from the raid. Petitioner is neither the owner nor the driver of the vehicle, that caused

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said the accident. The allegation levelled against the petitioner is entirely false and concocted. The petitioner is in judicial custody since 17.04.2026. Main accused namely Raja Kumar Baitha and Punit Kumar have been bailed out by this court vide B.P. Nos. 59/26 and 71/26 respectively dated 09.04.2026. There is no chance of his absconding or tampering with the prosecution evidence. Hence, he prays for bail.

On the other hand, Ld. A.P.P opposes prayer of bail.

Having gone through the aforesaid facts and circumstances of the case and after perusal of record, it appears that this case has been registered u/s 103(1), 3(5) of BNS against unknown. The petitioner is not named in the F.I.R. His name has been dragged on the basis of confessional statement of co-accused Raja Kumar Baitha and Punit Kumar. Both co-accused Raja Kumar Baitha and Punit Kumar have been bailed out by this court vide B.P. Nos. 59/26 and 71/26 respectively dated 09.04.2026. The story as alleged in the F.I.R, denotes that sepoy Madhup Kumar was killed due to being hit by a speeding unknown vehicle, when he was relieving himself along side the road in course of returning from a raid. There is nothing in case diary against the petitioner to associate him with persons or vehicle, raiding team (headed by informant) was chasing. In circumstances, the occurrence is said to have taken place, it hardly appears to be a case of murder. There is no independent witness cited in the case diary. Seizure list is itself prepared by the raiding party. The petitioner is in judicial custody since 17.04.2026. There is no criminal antecedent against the petitioner mentioned in the case diary.

So, considering the facts and circumstances as discussed above and detention period, it seems proper to enlarge the petitioner on bail after furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned trial court.

(Dictated)

Sd/-

(Umashankar)

Addl. Sessions Judge-Vth,

Siwan.

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