

IN THE COURT OF ADDITIONAL SESSIONS JUDGE -12, EAST CHAMPARAN, MOTIHARI.

Present: Arun Kumar Sinha

Bail Petition No. 386 of 2026

Ghorasahan P.S. Case No-40/2025

Sunny Kumar vs State of Bihar

Name of petitioner/s:

Sunny Kumar, S/o-Shiv Pujan Sah, resident of Village-Jhajhara, P.S.-Jitna,
District-East Champaran.

Versus

The State of Bihar

... ..Opp. Party/s

Appearance :

For the petitioner/s : Sri Amit Kumar Ranjan, Id. Advocate.

For the Opp. Party/s : Sri Digvijay Narayan Sinha, Id. P.P. I/c

ORDER

- 12.03.2026**
1. Heard learned counsel for the petitioner and learned P.P. In-charge appearing on behalf of the prosecution.
 2. The petitioner seeks regular bail who is in custody since 06.02.2025 in connection with Ghorasahan P.S. Case No. 40 of 2025 registered for offences punishable under Section 309(2) BNS & 27 Arms Act.
 3. The prosecution case as per FIR that on 03.02.2025 at about 5:45 AM. the informant Ajay Kumar Samdarshi @ Papu was going to Ghorasahan Mandi to give an amount of Rs. 1,15,000/- to some vegetable merchant and at about 6:00 A.M. when he reached near Railway Mal Godam then the miscreants who were hidden near Railway Godam who were three in numbers and out of three one culprit was sitting upon black colored Apache Motorcycle and two miscreants came near the informant who were wearing monkey cap and their face was hidden. The miscreants put the informant down upon the earth and began to snatch his Jhola containing the amounts and when the informant did not handed over the Jhola to the miscreants then they fired from arms about 2-3 round and on account of fear the informant left the Jhola containing Rs. 1,15,000/- which was looted by the miscreants. The age of miscreants was in between 20-30 years and they were local. The miscreants who was sitting upon the motorcycle was of white complex to whom the informant claimed to identified the above accused who was sitting upon the motorcycle.
 4. It has been submitted on behalf of the petitioner that bail petition no. 613/25 was rejected on 28.04.2025 by the District and Sessions judge, Motihari, and Cri. Miscell. No. 51320/25 was also rejected on 11.08.2025 by the Hon'ble High Court of Patna. Petitioner is not the accused of any criminal case. He has got clean antecedent. The petitioner is in custody from 06.02.2025. Upon the tower location the police arrested the non-FIR accused the petitioner Sunny Kumar from his home who accepted his guilt and thereafter upon his indication and an amount of Rs. 10,000 in the form of 100 notes has been recovered beneath the bed of the petitioner Sunny Kumar. The investigating officer submitted the charges-sheet on 02.05.2025 under section 309 (4), 309(6), 61(2), 25(1-B)a, 26, 35, 37 of the Arms act and accordingly, court took cognizance. The case was charged on 06.08.2025. No

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prosecution witness has been examined yet. The petitioner is still in judicial custody. The B.P of accused has been rejected by the Id trial court without any cogent ground. The petitioner is innocent and he has falsely been implicated in this case on the report of the spy. Nothing has been recovered from the conscious possession of the petitioner but the police during the course of investigation has twisted the case and without any act done by the petitioner he has been implicated in this case of highway robbery. According to police investigation an amount of Rs. 10,000 in the form of 100 X 100 Rs. is not the looted amount as there was no any sign in the looted currency note of the informant rather the amount belong to the petitioner. Upon the spy report the petitioner was arrested on mere suspicion and suspicion however be strong cannot take place of evidence. None has seen the petitioner near about the PO. and there is no such statement of any local persons has come forward to speak that the petitioner was seen with other co-accused and at the time of occurrence at PO or in fleeing condition. The police was not taken pain to get the petitioner identified through T.I parade at Motihari Central Jail. Hence, he may be granted regular bail.

5. On the other hand, the learned In-charge, P. P. vehemently opposed the prayer of the bail of the petitioner and submitted that allegations against the petitioner are grave and serious in nature. Further, the B.P of accused has already been rejected on merits by this court as well as by Hon'ble High Court, Patna vide Criminal Miscellaneous No.-51320/25. Therefore, the petitioner don't deserve regular bail at this stage.

6. From perusal of the record of the case, it appears that petitioner is not named in FIR but during course of investigation the name of petitioner has been surfaced in alleged offence. The allegation against petitioner is that he alongwith other co-accused persons have robbed Rs.1,15,000/- from the informant on gun-point and during course of offence they have also fired with firearms. In para-4, three shell of firearms have been recovered. In para-2 informant in his restatement, in para-5 and 6 witnesses have supported to the case of prosecution. In para-11 the spy has reported that petitioner has been seen near place of occurrence and spy has also furnished the Mobile No-9341209292 & 8002336171 of suspicious persons. In para-16 the SDR of Mobile No-8002336171 has been found on place of occurrence and the said Mobile No belongs to petitioner. In para-23 petitioner has been arrested and confessed his guilt with another co-accused Ujjawal Kumar in alleged offence. In para-24 the looted amount rupees 10,000/- has been recovered from the bed of petitioner. In para-27 the looted amount of rupees 5,000/- has been recovered from co-accused Ujjawal

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Kumar. In Para-28 the co-accused Ujjawal Kumar has also confessed his guilt with this petitioner in alleged occurrence. In para-30 on the basis of information of petitioner alongwith other co-accused Ujjawal Kumar two loaded pistol has been recovered. In para-78 Seized Arms have been found operational. On 06.08.2025 having found the sufficient material against accused Id trial court has framed the charges u/s-309(4), 61(2), 309(6), 61(2) BNS and u/s-25(1-B)a, 26, 35 of the arms act and trial is going on. Further, vide Criminal Miscellaneous No.-51320/25 the regular bail of petitioner has already been rejected by Hon'ble High Court, Patna on merits. The offenses alleged against accused are grievous in nature, which have serious impact on society.

7. Considering the aforesaid facts, circumstances, nature and gravity of offenses of this case, this court is not inclined to enlarge petitioner on bail. Consequently, prayer for bail of the petitioner stands **rejected**.

O/C is directed to send the copy of the order alongwith LCR to the Id. Trial Court forthwith.

(Dictated)

-Sd-

(Arun Kumar Sinha)

Addl. Sessions Judge, 12th

Motihari, East Champaran.