

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2832 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- BIHIA District- Bhojpur

Nand Kishor @ Nand Kishore Son of Surya Kumar Yadav @ Suraj Yadav
Resident of Village- Harakh Tola, Nathamalpur, P.S.- Barhara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Adv.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihyan
P.S. Case No. 273 of 2024 instituted for the offences under
Sections 308(4), 308(5) of the B.N.S.

3. As per prosecution case, the accused persons
including the petitioner extorted ten thousand rupees from the
Informant and, on denial, they threatened him to face dire
consequence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to personal grudge. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner. The alleged recovery of Rs. 1200/- from the possession of the petitioner is his own money. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no concern with the alleged seized Scorpio vehicle which belongs to the co-accused Chandan Yadav. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 07.09.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Manish Paswan has been granted bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 87591 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that offence alleged is serious in nature and the police has recovered Rs. 1200/- from the possession of the petitioner and, hence, he does not deserve bail.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihiyan P.S. Case No. 273 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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