

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28545 of 2025

Arising Out of PS. Case No.-226 Year-2020 Thana- PHULPARAS District- Madhubani

Md. Isha S/O Md. Yakub R/O Siswabarhi, Chatraol, P.S.- Phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 173 of 2024 arising out of Phulparas P.S. Case No. 226 of 2020, lodged on 26.05.2020, under Sections 147, 148, 149, 447, 448, 323, 307, 380, 427, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the bail application of the petitioner was considered and allowed vide order dated 09.11.2023 passed in Cr. Misc. No. 70755 of 2023, whereby the petitioner was granted bail after framing of charge and upon furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand). At the time of granting bail, several conditions were imposed upon the petitioner, one of which was



that if nine criminal cases were found pending against him, he would be released on bail, but if more than nine cases were found pending, he would not be released. It is further submitted that at the time of furnishing the bail bond, the informant brought to the notice of the authorities that there are more than nine criminal cases are pending against the petitioner. Therefore, it is alleged that the petitioner made a false statement before this Court by claiming that only nine cases were pending against him.

4. Thereafter, the petitioner's bail bond was not accepted, following which the petitioner approached this Hon'ble Court in Cr. Misc. No. 79319 of 2024 seeking modification of the bail order. However, the said petition was dismissed as withdrawn vide order dated 12.05.2025, with liberty granted to the petitioner to renew his prayer for bail afresh by explaining all the relevant facts in detail.

5. Subsequently, the petitioner has again approached this Court for grant of regular bail by filing the present bail application. This time, it has been stated that there are 14 criminal cases pending against him. Learned counsel also submits that the petitioner has been in custody since 15.10.2022.

6. Learned APP for the State opposes the prayer for



bail and submits that there are 14 criminal cases pending against the petitioner. However, he fairly submits that on the earlier occasion, bail was granted on merits, but due to suppression of material facts by the petitioner, the bail bond was not accepted and the benefit of the said order could not be extended to him.

7. In the present facts and circumstances of this case, and in view of the submissions made above, let the petitioner above-named be granted bail **after framing of charge, if not already framed**, and upon the Trial Court being satisfied that the petitioner is not absconding in any of the cases pending against him, the details of which are mentioned below. Bail shall be granted on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand), as per Section 2(1)(d) of the BNSS, 2023, to the satisfaction of Additional Sessions Judge-III, Jhanjharpur, District- Madhubani, in connection with Sessions Trial No. 173 of 2024 arising out of Phulparas P.S. Case No. 226 of 2020, subject to the following conditions as laid down under Section 480(3) of the BNSS, as well as the condition that the petitioner shall appear before the concerned police station periodically every month for a period of two years. Failure to do so for two consecutive dates without any plausible reason shall render his bail bond liable to cancellation.



8. Pending cases against the petitioner are as follows:-

- (i) Marauna P.S. Case No. 13 of 2001
- (ii) Laukaha P.S. Case No. 97 of 2003
- (iii) Lakhanour P.S. Case No. 63 of 2014
- (iv) Phulparas P.S. Case No. 284 of 2017
- (v) Phulparas P.S. Case No. 168 of 2020
- (vi) Phulparas P.S. Case No. 378 of 2020
- (vii) Phulparas P.S. Case No. 447 of 2022
- (viii) Phulparas P.S. Case No. 159 of 2013
- (ix) Phulparas P.S. Case No. 92 of 2016
- (x) Phulparas P.S. Case No. 115 of 2018
- (xi) Phulparas P.S. Case No. 436 of 2019
- (xii) Phulparas P.S. Case No. 244 of 2021
- (xiii) Phulparas P.S. Case No. 212 of 2021
- (xiv) Phulparas P.S. Case No. 116 of 2022

(Dr. Anshuman, J.)

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