

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36032 of 2025

Arising Out of PS. Case No.-61 Year-2024 Thana- PHULPARAS District- Madhubani

Abhay Kumar Sah, Male, aged about 39 years, son of Jindelal Sah, resident of
Village- Hulaspatti, P.S.- Phulparas, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Phulparas PS Case No.61 of 2024 dated 21.02.2024, instituted
for the offence punishable under Sections 394 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution, in brief, is that the son
of the informant was going to home from Andhra Thari on
motorcycle and when he reached near the bridge situated
besides the brick kiln of Santosh Singh, some unknown
miscreants with intention to kill him fired two round bullets as a
result of which his son became injured. Thereafter, the
miscreants left him in injured condition and took his motorcycle
and fled away.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. FIR is against unknown. It is also submitted that only the basis of confessional statement of co-accused, Nitish Kumar, the petitioner has been made accused in this case. Nothing has been recovered either from conscious possession or from the house of the petitioner. No test identification parade has been conducted till date. Lastly, it is submitted that the petitioner is in custody since 17.01.2025 and three criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- II, Jhanjharpur, Madhubani, in Phulparas PS Case No.61 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that



the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner within two weeks from the date of his release from custody shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the framing of charge in the case by the trial Court.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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