

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42125 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- PASRAHA District- Khagaria

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Durgesh Yadav @ Durgesh Kumar, S/o Late Binod Yadav, R/o Vill-
Bandevara, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitin Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 17-12-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Pasraha P.S. Case No. 71 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 324(4), 303(2), 109, 329(3) and 3(5) of B.N.S. and Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that the petitioner along with others surrounded the informant. Bunty Yadav snatched the golden chain, Tarkeshwar Yadav took Rs. 8700/- from his pocket. All of them put a roper around his neck and started pulling with an intention to kill him. Direct allegation against the petitioner is that he has fired but the gunshot has not hit the informant. It is also alleged that Bunty Yadav has also fired but that gunshot also did not hit. Further allegation is that the accused persons have also assaulted the



uncle of the informant, namely, Chandra Dev Prasad Yadav.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Admittedly, there is land dispute between the parties and there is direct allegation against the petitioner that he has fired at the informant but no gunshot injury has been received by the informant. It has further been submitted that from perusal of the injury report, it is clear that the informant and his uncle both have received simple injuries. Petitioner is languishing in judicial custody since 02.04.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the application for bail. Learned counsel for the informant has submitted that earlier this petitioner has stated that he is having criminal antecedent of three cases whereupon a report was sought from S.P., Khagaria and it was brought to notice of the Court that the petitioner is having criminal antecedent of five cases. After this, the learned counsel for the petitioner has submitted that petitioner has been acquitted in all the five cases.

6. Vide order dated 15.11.2025, the petitioner was directed to file supplementary affidavit bringing on record the



date of Judgment and order of acquittal, but the same has not been brought on record.

7. Countering the same, learned counsel for the petitioner has submitted that as his *pairvikar* is not able to bring all the dates of acquittal. The order may be based with the condition that the learned trial Court may verify the antecedents at the time of accepting the bail bonds.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 71 of 2025 **with the condition that the learned trial Court shall verify the antecedents of the petitioner and if he is not acquitted in all the five cases which are his antecedents, his bail bonds will not be accepted by the learned trial Court.**

(Ashok Kumar Pandey, J)

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