

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43735 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- PARBATTa District- Bhagalpur

1. Md. Daud son of Late Sk. Guddar Resident of village -Yamuniya PS-Parbatta District -Bhagalpur
2. Md. Sumar @ Sanowar @ Md. Sanowar Son of Late Sk. Guddar Resident of village -Yamuniya PS- Parbatta District -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend their arrest in connection with Parbatta P.S. Case No. 6/2025 lodged on 14.01.2025, for the offences punishable under sections 308(2), 308(3), 109, 329(4), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against two named and three unknown accused persons including the petitioners. It is alleged in the F.I.R. that the petitioners, along with other accused persons, came to the shop of the informant armed with a pistol and waving the pistol in the



air, they abused the informant and demanded extortion of ₹50,000/-. Upon his refusal to pay, the petitioners opened indiscriminate fire.

4. Learned counsel for the petitioners submits that the petitioners, who are full brothers, are innocent and have been falsely implicated in this case. He further submits that one Sunil Kumar Jha had executed a lease deed in favour of petitioner no.1, and the informant, who is an agnate of one Ranjit Bhagat, has lodged this false case at the instigation of Ranjit Bhagat. It is further submitted that the F.I.R. itself reveals that the core issue pertains to a lease dispute (Pattanama), and there is no allegation of any actual transaction of extortion money. Moreover, no live cartridges were recovered from the place of occurrence, which casts serious doubt on the prosecution story. However, learned counsel fairly admits that petitioner no.1 is an accused in six other criminal cases, and petitioner no.2 is an accused in four other criminal cases.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that there are specific allegations against the petitioners regarding the demand of extortion, and upon refusal, they resorted to indiscriminate firing. He further submits that the criminal antecedents of the petitioners are not clean.



6. Considering the facts and circumstances of the case, let the petitioner no.2 above named be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned ACJM-III, Naugachia, Bhagalpur, in connection with Parbatta P.S. Case No. 6/2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

7. However, considering the criminal antecedents and the nature of allegations levelled against petitioner no.1, this Court is not inclined to grant bail to him. Accordingly, his prayer for bail is hereby rejected.

(Dr. Anshuman, J)

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