

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48328 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- BARGAINIA District- Sitamarhi

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Ajit Kumar @ Ajit Mukhiya S/o Lakshmi Narayan Sah R/o Village- Pachtaki
Yadu, P.S.- Baiganiya, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Ashok Kumar Jha, learned counsel for the

petitioner and Mr. Mrityunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baiganiya P.S. Case No. 54 of 2025, F.I.R. dated 26.03.2025 for the offences punishable under Sections 126(2), 115(2), 132, 308(3), 303(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, petitioner is alleged to have demanded Rs. 5,000/- from the informant and threatened to ruined his life if he refused to do so. Later on, the petitioner along with his companion assaulted the informant and took Rs. 5,000/- from his pocket.

4. Learned counsel for the petitioner submits that he is



innocent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner is the Mukhiya of the locality and the informant is the working as lineman in the Electricity Department. It appears from the FIR itself that the present FIR has been failed due to ulterior motive and the date of occurrence as alleged in the FIR is 23.03.2025 but the present FIR has instituted on 26.03.2025, after a delay of three days, without giving any explanation of delay, afterthought only to falsely implicate the petitioner. As per the FIR, the petitioner took Rs. 5,000/- from the pocket of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more criminal antecedents other than the present one, but fairly submits that in one case, he is on bail and in the second case, police has submitted final form against the petitioner. He further submits that it appears from the FIR that there is direct and specific allegation against the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairganiya P.S. Case No. 54 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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