

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48595 of 2025

Arising Out of PS. Case No.-652 Year-2025 Thana- PHULWARISHARIF District- Patna

Om Kumar S/o- Late Nityanand Sharma Village- Gajachak Mahmadpur PS-
Janipur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Vinod Kumar, learned counsel for the

petitioner as well as Mr. Suresh Prasad Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulwarisharif (Janipur) P.S. Case No. 652 of 2025, F.I.R. dated 25.04.2025 for the offences punishable under Sections 126(2), 115(2), 109, 352, 3(5) of the BNS and 27 of the Arms Act.

3. According to prosecution case, the petitioner along with other co-accused persons is said to have abused and assaulted the informant. It is further alleged that they fired upon the informant with the intention to kill him.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. In fact, the informant has taken Rs. 6,00,000/- (Rs. Six Lakh) from the petitioner for agreement for sale but after lapse of more than two years, he has not executed the sale deed for the land in question in favour of the petitioner and when petitioner demanded the aforesaid amount from the informant, the informant has lodged the false case against the petitioner and other co-accused persons. Apart from that, the local people have also gave an application to the S.S.P., Patna stating therein that informant has lodged false case against the petitioner and co-accused persons.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and there is direct and specific allegation against the petitioner that he along with other co-accused persons have fired upon the informant and apart from that the petitioner carries one more case other than the present one.

6. Learned counsel for the petitioner has produced an order which was passed in Phulwarisharif (Janipur) P.S. Case No. 889 of 2025 which suggests that the petitioner has been granted anticipatory bail by the learned Court below itself vide order dated 27.06.2025.



7. 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 A.C.J.M.-IV, Patna in connection with Phulwarisharif (Janipur) P.S. Case No. 652 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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