

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44774 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- BAHERA District- Darbhanga

Durgesh Kumar Yadav @ Durgesh Yadav @ Durgesh Kumar S/o Ram Udgar
Yadav @ Ramudgar Yadav R/o Village- Baur, P.S.- Ghanshyampur, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52105 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- BAHERA District- Darbhanga

Brajesh Kumar Son of Nirikshan Yadav @ Nirekhan Yadav @ Nireekhan
Yadav Resident of Village- Dohatha ,Ward No. 10, P.S.- Ghanshyampur
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52173 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- BAHERA District- Darbhanga

Md. Sumo @ Md. Shahmad @ Md. Shamshad @ Md. Somu son of Late Md.
Hasiboor Rahman Resident of Village- Bhairpatti, P.S.- Bahadurpur, Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44774 of 2025)

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 52105 of 2025)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 52173 of 2025)

For the Petitioner/s : Mr. Saurav Anand, Advocate



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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with Bahera
P.S. Case No. 392 of 2024 instituted for the offence under
Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. On 15.10.2024 at about 9 PM, while returning from
Benipur to Laheriasarai, the informant was pushed down near
Band Chowk petrol pump by two unknown persons on a
motorcycle, who snatched his motorcycle along with a bag
containing Samsung Tab, documents, cash, and also took his
OPPO mobile after threatening to kill him, before fleeing
towards Sonaki.

4. It has been submitted on behalf of the petitioners
that the petitioner, namely, Durgesh Kumar Yadav is in custody
since 25-04-2025, having one criminal antecedent; petitioner,
namely, Brajesh Kumar is in custody since 03-11-2024, having
one criminal antecedent and petitioner, namely, Md. Sumo is in
custody since 13-05-2025, having four criminal antecedents.

5. It has been further submitted by the petitioners'
counsel that petitioners have been falsely implicated in the



present case. Petitioners are not named in the FIR. Name of the petitioners have transpired during investigation. Nothing has been recovered from the conscious possession of the petitioners. Petitioners were not even put on T.I. Parade. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and manner of petitioner's implication, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners, namely, Durgesh Kumar Yadav and Brajesh Kumar be released on bail, whereas petitioner, namely, Md. Sumo @ Md. Shahmad @ Md. Shamshad @ Md. Somu be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahera P.S. Case No. 392 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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