

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61265 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- KISHANGANJ District- Kishanganj

Hesham Nazir, S/o Late Uzair Alam @ Late Wajer Alam, R/o Village-
Sarogora, P.S.- Kishanganj, District- Kishanganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivnandan Bharti, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Gautam Kejriwal, Advocate
		Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Informant.

2. In the present case, the petitioner seeks bail in connection with Kishanganj P.S. Case No. 86 of 2025 for the offence punishable under Sections 308 (2), 351 (2) and 61 (2) of BNS, 2023.

3. As per prosecution case, the petitioner and other co-accused persons made a demand of Rs.20 lacs from the informant and threatened him with life if the demand was not met and further threatened the informant that they would abduct his son, if the extortion money of Rs.20 lacs per year was not paid to them.

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



case. There is inordinate delay of 13 days in lodging the FIR and there is no explanation for the same. From the FIR, it is also clear that the informant is Ex-Mukhiya and involved in different political activities and the petitioner being supporter of the rival groups has been made accused only due to political rivalry. The informant is also involved in illicit mining and the petitioner used to oppose his activity and for this reason, he has been falsely implicated the petitioner. The learned counsel further submits that towards extortion demand, no money was ever paid and the police did not serve the notice under Section 35 (3) of BNSS though the maximum punishment is only up-to seven years. The other similarly placed co-accused has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.07.2025 passed in Cr. Misc. No. 46011 of 2025. The learned counsel further submits that the petitioner is having antecedent of eight cases and he is on bail in all cases except one. All these cases have been lodged by the informant or his associates. The petitioner is in custody since 06.06.2025 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the



informant submits that the petitioner is veteran criminal and he was caught while trying to flee away to West Bengal and a Press Communique has been released by the police mentioning that the petitioner was arrested by the Kishanganj police and STF jointly. The learned counsel further submits that in similar type of allegation, the regular bail of the petitioner was rejected by a Coordinate Bench of this Court vide order dated 08.09.2025 passed in Cr. Misc. No.60390 of 2025. The learned counsel further submits that the petitioner has terrorized the business community in the area of Kishanganj and is frequently involved in making extortion demand from the businessmen. The petitioner is having antecedent of eight cases.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to 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 learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No. 86 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

