

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61618 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- PHULPARAS District- Madhubani

Prakash Kumar @ Prakash Ram S/o- Arun Ram @ Saurabh Kumar, R/o
Village- Navtol, PS- Phulparas, Distt- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Phulparas P.S. Case No. 110 of 2025 dated 15.03.2025, registered for the offences punishable under Sections 329(3), 109(1), 351(3), 329(4) and 303(2) read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and other co-accused persons carrying fire-arms came to the doors of the informant and fired twice. When the informant went outside, the other co-accused persons fired upon him and he fell down. While fleeing away from the spot, they took away rupees fifty thousand cash and also the ornaments and clothes worth rupees two lakh.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. There is no specific allegation of opening fire against this petitioner which is quite specific against other co-accused persons. The FIR has been instituted after a delay of two days without any satisfactory explanation. No reasons have been mentioned for the occurrence and there being no motive, the falsity becomes apparent. The petitioner is having antecedent of four cases, however, he is on bail in all the cases. Learned counsel lastly submits that petitioner is in custody since 15.04.2025 and chargesheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner and submits that petitioner is a habitual offender and is having antecedent of four cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of opening fire against this petitioner and further considering his period of custody and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of



the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani / concerned Court, in connection with **Phulparas P.S. Case No. 110 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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