

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73526 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- DOBHI District- Gaya

Nirbhay Kumar S/o Late Ashok Ram @ Late Ashok Paswan R/o Village-
Kedli Khurd, P.S.- Hunterganj, Distt.- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dobhi
P.S. Case No. 48/2025 registered for the offences punishable
under Sections 121(1), 132, 111(1), 109, 310(4), 310(5) of the
B.N.S. and Sections 25(1-b)(a), 26,35 and 27 of the Arms Act.

3. As per prosecution case, during course of
conducting raid by the informant and police officials, some
miscreants were started fleeing away in which two miscreants
apprehended on the spot, one is Aman Kumar and another is
Dharmendra Kumar @ Piyush@ Dharmendra Paswan. One
country made pistol, two live cartridges, one Splender
motorcycle and one mobile phone were recovered from the
possession of the co-accused Aman Kumar. The said co-accused



Dharmendra Kumar @ Dharmendra Paswan disclosed the name of the petitioner and others who were making planning for committing dacoity and upon disclosure of said co-accused the Nirbhay Kumar (petitioner) was apprehended.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 21.02.2025 and bears two criminal antecedents in which he is on bail. Except disclosure of said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner, even the motorcycle which was recovered from the possession of the petitioner, was not found to be stolen one. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. In the light of aforesaid submission, no offence is made out against the petitioner under Sections 109, 310(4) and 310(5) of the B.N.S. and Arms Act. Co-accused Dharmendra Kumar @ Piyush @ Priyanshu @ Dharmendra Paswan has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.59538/2025 and case of present petitioner stands on better



footing as the said co-accused apprehended on the spot and he disclosed the name of the petitioner.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st Sherghati at Gaya in connection with Dobhi P.S. Case No. 48/2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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