

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73988 of 2025

Arising Out of PS. Case No.-370 Year-2025 Thana- JAHANABAD District- Jehanabad

Subhash Kumar S/o Sudarshan Yadav R/o Village- Kumarubigaha, P.S.-
Sikariya, District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.

For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jehanabad (Sikariya) P.S. Case No. 370 of 2025 registered for the offences punishable under Sections 24, 115(2), 126(2), 352, 308(5), 3(5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, on 12.05.2025 the informant was returning his home after purchasing house hold article, meanwhile petitioner and others surrounded the informant and restrained him. It is further alleged that co-accused Amit Kumar @ Bhakoran fired from his pistol. It is further alleged that co-accused Amit Kumar @ Bhakoran stated



that earlier he had demanded money as extortion from the informant but said demand was not being fulfilled. Out of fear, the informant immediately gave Rs. 4600/- which was kept in his pocket. It is further alleged that co-accused Prem Kumar threatened the informant to pay Rs. 10,000/- every month as extortion, otherwise he would face dire consequences. Thereafter, all the accused persons abused and assaulted the informant by fists and slaps and drove away the informant.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner and informant are co-villagers and due to previous dispute of encroachment of pavement, the petitioner has been falsely implicated in the present case. He further submits that there is no specific allegation of assault against the petitioner. The allegation of firing is against co-accused Amit Kumar @ Bhakoran. There is no allegation of demand of extortion against the petitioner. Petitioner is in custody since 04.08.2025. Learned counsel further submits that at para-3 of the bail petition it is mentioned that petitioner bears no criminal antecedent but it has been submitted through supplementary affidavit that petitioner bears criminal antecedent of one case i.e. Jehanabad P.S. Case



No. 576 of 2025. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that name of petitioner finds place in the FIR and he cannot escape from the allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, period of custody, there is no specific overt-act against the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad (Sikariya) P.S. Case No. 370 of 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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