

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77239 of 2025**

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

Prem Kumar S/o Ghamandi Singh @ Ghamandi Yadav Resident of village-
Kumaru Bigha, P.S.- Jehanabad (Sikariya), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mungeshwar Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER**

2 05-12-2025 By means of this bail application, petitioner, who is involved in connection with Jehanabad (Sikariya) P.S. Case No. 370 of 2025, District- Jehanabad, registered for the offences punishable under Sections 24/115(2)/126(2)/352/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the Informant Anil Kumar got a First Information Report registered against three persons, namely, Amit Kumar @ Bhakoran, Prem Kumar (petitioner) and Subhash Kumar, making allegation inter alia that on 12.05.2025 at about 8 O'clock in the evening, when he was returning from Kinari market after purchasing some



domestic articles, on the way, he was surrounded by the accused persons. Thereafter, he was threatened by the accused persons showing pistol and they demanded ransom, upon which he due to fear gave Rs. 4,600/-. Thereafter, the informant was further directed by the petitioner to pay Rs. 10,000/- per month, otherwise he would face dire consequences for the same.

4. It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case on the basis of concocted story, whereas no incident took place as alleged by the prosecution. It is further pointed out that as per F.I.R. version, the incident took place on the way but, there is no independent witness to support the allegation levelled in the F.I.R. The petitioner, has one criminal history to his credit in which he is on bail. There is no recovery of any amount from the possession of the petitioner. Even the weapon which was used in the commission of crime has also not been recovered from the possession of the petitioner and allegation of opening firing from the pistol has been assigned to the co-accused Amit Kumar @ Bhakoran. Lastly, it is submitted that petitioner is languishing in jail since 06.07.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.



5. On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for bail by contending that though there is no recovery of any incriminating article from the possession of the petitioner but the innocence of the petitioner cannot be ad-judged at pre-trial stage.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that the investigation has been completed and charge-sheet has been submitted against the petitioner. Now, there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 06.07.2025 has made out a *prima facie*



case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the petitioner, above named, be released on bail in the aforesaid case on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.



12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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