

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9965 of 2026

Arising Out of PS. Case No.-105 Year-2023 Thana- BARGAINIA District- Sitamarhi

Dheeraj Kumar @ Dhiraj Jaiswal @ Dheeraj Kumar Jaiswal Son of Dinesh Prasad Resident of Village - Musachak, P.S. - Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-02-2026

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.59 of 2025, arising out of Bargainia P.S. Case no.105 of 2023 registered under sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, it is stated that seeing the police personnel, while three accused persons managed to escape, two were caught. On search, various incriminating articles including a motorcycle for which no documents were produced as also two live cartridges were recovered from their possession. It is further stated that the apprehended accused disclosed the name of the accused who had managed to escape and which included the petitioner herein.



4. Learned counsel for the petitioner submits that from the contents of the FIR itself, it would transpire that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The only material against him is the statement of a co-accused made before police. The petitioner has been falsely implicated in the case because of his antecedents. He is in custody since 22.6.2023 and undertakes to cooperate in the investigation/trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, no incriminating article having been recovered from the petitioner's possession and specially the petitioner having remained in custody for over 2 years 7 months since 22.6.2023, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.59 of 2025, arising out of Bargainia P.S. Case no.105 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge II, Sitamarhi on the following condition:

(i) The petitioner shall remain physically



present/properly represented in Court on each date of the trial
and shall cooperate in the case.

(ii) In case the learned trial Court is of the opinion
that the trial is being delayed due to non-cooperation on part of
the petitioner, the learned trial Court may cancel the bail bond of
the petitioner and take him into custody till conclusion of the
trial.

(Partha Sarthy, J)

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