

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9020 of 2026

Arising Out of PS. Case No.-426 Year-2025 Thana- BIHARIGANJ District- Madhepura

Diwakar Kumar S/o Ganga Prasad Mandal, R/o - Saraunika, P.S - Bihariganj,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. (Dr.) Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2026 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 Bihariganj P.S. Case No. 426 of 2025 dated 30.09.2025, registered for the offences punishable under Sections 126(2), 115(2), 109(1) and 307 read with Section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, six persons stopped the motorcycle of the informant and demanded him to hand over the motorcycle, mobile phone and cash. When the informant and his associate opposed, they were assaulted and the assailants snatched their mobile phones. On commotion, the people of nearby places started assembling and then the assailants started fleeing away from the place of occurrence. One of them was



apprehended and from his possession, a country-made *katta*, one live cartridge and one mobile phone was recovered. This apprehended co-accused disclosed the name of the petitioner along with others who were involved in the occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner falsely been implicated in the present case. Nothing incriminating has been recovered from person or possession of the petitioner. The disclosure statement of the apprehended co-accused against the petitioner has no sanctity. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 26.11.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and nothing incriminating was recovered from his person or possession and further considering his clean antecedent, 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 Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura / concerned Court, in connection with **Bihariganj P.S. Case No. 426 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 absence on three consecutive dates 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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