

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19825 of 2026

Arising Out of PS. Case No.-308 Year-2025 Thana- RAXAUL District- East Champaran

Binod Kumar S/O Late Mahabir Prasad R/O Village- Arya Samaj Road, Near
Middle School, Raxul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-04-2026 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Md. Mushtaque Alam, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.09.2025 in connection with Raxaul P.S. Case No. 308 of
2025, F.I.R. dated 09.07.2025 for the offences punishable under
Sections 126(2), 118(1), 109 and 3(5) of the B.N.S., 2023.

3. According to prosecution case, accused persons
including the petitioner herein came variously armed at the
house of the informant. They are said to have assaulted the
informant with knife etc. causing him injuries in his chest, ear
and eye.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Although the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation against the petitioner rather the same is against the co-accused Dipu Kumar and Laddu Kumar@ Ankit Kumar and the petitioner is at best the member of the mob. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Laddu Kumar @ Ankit Kumar and Dipu Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.02.2026 passed in Cr. Misc. No. 11194 of 2026. The petitioner is in custody since 21.09.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. Apart from that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Motihari at East Champaran in connection with Raxaul P.S. Case No. 308 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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