

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23875 of 2026

Arising Out of PS. Case No.-564 Year-2025 Thana- MADHAURAH District- Saran

Manoj Kumar @ Manoj Kumar Kushwaha S/o Uma Shankar Prasad Resident
of Village- Shilhauri, P.S.- Marhaura, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Pukar Sah S/O Late Janak Sah resident of village - Dhamauli
Mubarakpur ward No. 2 , Marhaura Dist- Saran at chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-07-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Marhaura P.S. Case No. 564 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 308(3),
316(2), 318(4), 352, 351(2) and 3(5) of the B.N.S.

3. Based upon the written report, it is alleged that on
17.10.2023, the informant get a land along with dwelling house
executed in his name, after giving consideration money to the
tune of Rs. 9 lakhs and further Rs. 9 laksh in cash and through
PhonePay to one “Rakesh Kumar”. However, despite the
execution of the sale deed and persuasion, the possession of the



dwelling house was not given to the informant and when the Panchayati was called upon, co-accused Rakesh Kumar along with the petitioner and others abuses and intended upon to assault. Besides there is allegation of demand of extortion of Rs. 10 lakhs.

4. Learned Advocate for the petitioner submitted that even as per the allegation levelled in the FIR, it is admitted position that it is co-accused Rakesh Kumar, who had executed the sale deed in favour of the informant and the petitioner has nothing to do with the land/dwelling house, in question. Moreover, the allegation of intimidation or demand of extortion money appears to be unfounded and only a move to wreck vengeance and put pressure. The occurrence allegedly took place on 28.08.2024, but the present FIR came to be instituted on 03.08.2025, after a delay of about one year. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application. However, he did not confront the delay in lodging of the FIR.

6. Regard being had to the submissions made on behalf of the parties and considering the inordinate delay in institution of the FIR, coupled with the omnibus nature of allegation, besides the fair antecedent, let the petitioner above



named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in connection with Marhaura P.S. Case No. 564 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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