

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25310 of 2026

Arising Out of PS. Case No.-534 Year-2025 Thana- BAIRIYA District- West Champaran

Vishal Chaudhary, S/o Bharat Chaudhary, R/o Village- Siswa Saraiya, P.S-
Bairiya, Dist.- West Champaran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Bairiya P.S. Case No.534 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is in custody since 13.02.2026.

4. Allegation against the petitioner is to kidnap the informant and during kidnapping, one of the co-accused assaulted on his eye by using knife.

5. It is submitted by learned counsel appearing for the petitioner that the petitioner is a social activist and due to inimical terms, the informant implicated petitioner with



ornamental allegations that he was with co-accused Raj Kishore Chaudhary, who alleged to inflicted knife injury on the eye of the informant. It is further submitted that the said injury upon medical examinations found simple in nature. It is also pointed out that the allegation of physical assault is not available against this petitioner. Arguing further, it is submitted that due to social activities harming interest of informant and others, the petitioner was implicated with nine cases, where he is on bail. It is further submitted that if the factual aspects of case otherwise convincing in favour of petitioner merely on the ground of criminal antecedents, ordinarily the prayer of bail should not be rejected. In support of her submissions, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]***.

6.While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. It is further submitted that till now no single prosecution witness was examined by the learned trial court, suggesting that the trial cannot be



concluded in near future.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact, as allegation of assault is not available against this petitioner, coupled with the fact that investigation of this case is already completed, where slow progress of trial is sufficient to suggest that the same is not likely to conclude in near future, where petitioner remains in custody since 13.02.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st, Bettiah, West Champaran in connection with Bairiya P.S. Case No.534 of 2025 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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