

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30587 of 2026

Arising Out of PS. Case No.-442 Year-2025 Thana- PHULPARAS District- Madhubani

Durgesh kumar S/o Kishundeo Sah @ Krishandev Sah R/o Village - Dhatta
Tol, Mahthaur, P.S. - Phulpara, Dist. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard Mr. Hriday Narayan Harshit, learned
counsel for the petitioner as well as Mr. Akshay Lal Pandit,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.10.2025 in connection with Phulparas P.S. Case No. 442 of
2025, F.I.R. dated 24.10.2025 for the offences punishable under
Sections 309(5) and 109 of the Bharatiya Nyay Sanhita, 2023
and 27 of Arms Act.

3. According to prosecution case, the informant
alleged that on 23.10.2025 at about 6.15 P.M when he was
returning home, then on his way, three miscreants on a
motorcycle stopped him and threatened him and asked for his



money and mobile phone.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Initially the petitioner was not named in the FIR and his name transpired on the basis of confessional statement of co-accused, namely, Ravishankar Yadav @ Ranjeet Yadav and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.10.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

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 A.C.J.M-II, Jhanjharpur, Madhubnai in connection with Phulparas P.S. Case No. 442 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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