

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30698 of 2026

Arising Out of PS. Case No.-444 Year-2025 Thana- PHULPARAS District- Madhubani

Durgesh Kumar S/o Kisundeo Sah @ Krishandev Sah R/o Village - Dhatta
Tol, Mahthaur, P.S - Phulparas, District - 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. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Phulparas P.S. Case No. 444 of 2025 instituted for the offence
under Sections 103 & 61(2) of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on
23.10.2025, while the informant's son was returning on a
motorcycle with the petitioner and co-accused, three unknown
criminals intercepted them near Dhanuja Surha and shot him in
the chest. He succumbed to the firearm injury while being taken
from Sub-Divisional Hospital, Phulparas to D.M.C.H. for
advanced treatment.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.01.2026. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is named in the FIR. From perusal of the FIR, it would reveal that there is no specific allegation against the petitioner, rather the same is against other co-accused person. Specific allegation of firing is against Kaushalendra Yadav, which has surfaced in course of investigation. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner's role is confined to criminal conspiracy.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulparas P.S. Case No. 444 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

