

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30795 of 2026

Arising Out of PS. Case No.-22 Year-2020 Thana- BAIRIYA District- West Champaran

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Hasmullah Son of Late Santu Miyan Resident of Village- Mahuawa,
Vrindavan Asthram, P.S.- Kumarbag, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

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

2. The petitioner has preferred this application for grant of regular bail in connection with Bairiya P.S. Case No. 22 of 2020 dated 17.01.2020 registered for the offences punishable under Sections 384, 386, 427, 504, 506 of I.P.C. and Section 27 of Arms Act.

3. As per the allegation, the informant was sitting at his own doorstep when he received a phone call on his mobile handset bearing number 9391998749 and the caller immediately began hurling severe verbal abuses and issuing life threatening ultimatums. The unidentified caller aggressively demanded an extortion amount of Rupees 20 Lakhs, threatening that if the amount was not paid, both the informant and his son would be



killed. Distressed by the call, the informant began conducting his own inquiries. However, on the very next day, on January 14, 2020, he had to leave for Nepal due to urgent personal work. During this trip to Nepal, the informant accidentally dropped and lost his mobile phone. He subsequently returned home on the night of January 15, 2020. The situation escalated violently on the night of January 16, 2020, while the informant and his family members were fast asleep inside their house, at around 11:45 PM, the quiet night was shattered by the loud sound of gunfire, which instantly woke up the entire family. Upon checking the premises, they discovered that a bullet had been fired at their house, shattering the glass window pane of their house and striking the inner wall. Alerted by the sound of the gunshot, several neighboring residents quickly rushed and assembled at the spot.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case while he is not named in the F.I.R. It has further been submitted that there is no eye witness in the alleged F.I.R. nor there was inimical terms with the informant. It has further been submitted that no person has stated that the petitioner was at the place of occurrence at the relevant time. It has further been submitted that the mobile



phone, from which the extortion money was demanded, belonged to one Jitendra Choudhary. It has further been submitted that the name of the petitioner transpired on the basis of confessional statement of co-accused Vicky Kumar before police, while in police custody. It has further been submitted that co-accused persons Krishnandan Kumar and Rustam Ali have been granted the privilege of bail by a Co-ordinate Bench of this Court by order dated 21.01.2026 passed in Cr. Misc. No. 78223 of 2025 and Cr. Misc. No. 79860 of 2025 respectively. It has further been submitted that the case is triable by learned Magistrate. It has further been submitted that although the petitioner was made accused in one another case, but he is on bail in that case. It has further been submitted that charge-sheet was not filed earlier against the petitioner declaring the petitioner to be an absconder and cognizance has been taken recently. It has further been submitted that the petitioner is in custody since 11.02.2026. It has lastly been submitted that charge-sheet has been filed against the petitioner and there is no allegation tampering against him.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Heard learned counsel for the parties and perused



the record.

7. Considering the facts and circumstances of the case as well as the period of custody, the petitioner above-named is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 22 of 2020

8. The application stands allowed.

(Praveen Kumar, J)

Abdus/-

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