

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33440 of 2026

Arising Out of PS. Case No.-676 Year-2025 Thana- SASARAM NAGAR District- Rohtas

Prabhat Kumar @ Sonu Gupta, S/o Kedar Sah @ Kedar Prasad Gupta, R/o
Village - Beluri (Barej), P.S - Mohania, District - Kaimur at Bhabua
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seek bail in connection with Sasaram
(N) P.S. Case No. 676 of 2025 dated 23.08.2025 instituted for
the offence punishable under Sections 109(2), 132, 127(2), 3(5)
of the Bhartiya Nyaya Sanhita, 2023 and Section 25(1-B)a, 26,
27 & 35 of the Arms Act.

3. This is Second attempt for regular bail on behalf of
the petitioner. Earlier, vide order dated 24.02.2026, the regular
bail application of the petitioner was rejected *vide* Criminal
Miscellaneous No. 5445 of 2026.

4. The prosecution case, in short, is that the informant
received a secret information that a teacher, namely, Dilip
Kumar was kidnapped and kept at the house of one Akhilesh



Kumar at a place called Takia. After receiving of information, Superintendent of Police, Rohtas along with other police personnel reached at the place where Dilip Kumar was kept. The kidnappers after seeing the police opened fired upon the police. In defence, police party also opened fire leading to gunshot injury to two culprits, namely, Prabhat Kumar @ Sonu (petitioner) and one Suresh Ram. The police team also arrested two other kidnappers, namely, Ramashish Sharma and Indal Ram. All the apprehended accused persons were sent to Sadar Hospital, Sasaram for medical treatment. The victim Dilip Kumar was recovered from the house of Akhilesh Kumar. The F.S.L. team reached the place of occurrence and country made pistols, fired cartridges and other things were recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that allegation against the apprehended persons is that they opened fired at the police, but none was injured by the gunshot of the apprehended persons. Nothing incriminating article has been recovered either from the possession of the petitioner or from their houses. It is further submitted that two cases were lodged against the accused persons including the petitioner. One is



Kochas P.S. Case No. 207 of 2025 for the offence punishable under Section 140(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 for kidnapping of Dilip Kumar and another is present one. In the kidnapping case, the petitioner has been granted bail by learned Sessions Judge. It is further submitted that alleged recovery of the victim Dilip Kumar has been made from the house of Akhilesh Kumar, who has also been granted bail by learned Sessions Judge on 27.11.2025. Learned counsel for the petitioner further submits that charge has already been framed. Lastly, it has been submitted that the petitioner is in custody since 24.08.2025 having five criminal cases against him.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and also considering the fact that the kidnapped person was recovered from the house of co-accused Akhilesh Kumar, who has been granted bail by learned Sessions Judge, and also considering the period of incarceration of the petitioner, this Court is of the opinion that a case of bail is made out for the petitioner.

8. Let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Rohtas at Sasaram in connection with Sasaram (N)

P.S. Case No. 676 of 2025, , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

(Khatim Reza, J)

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