

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36147 of 2026

Arising Out of PS. Case No.-749 Year-2024 Thana- BEUR District- Patna

1. Durga Prasad S/o Brahmdeo Yadav R/o Mohalla - Purnendu Nagar, Near - Shiv Mandir, P.S- Phulwari Sharif, District- Patna.
2. Rohit Kumar Son of Ranjeet Ravidas Resident of - Mahavir Cancer Sansthan Kanhaiya Nagar, P.S - Phulwari Sharif District- Patna.
3. Aakash Kumar Son of Dinesh Paswan Resident of - Ward No-2, Daura Islampur, P.S- Islampur, District- Nalanda At present Kanhaiya Nagar, P.S- Phulwari Sharif, District- Patna.
4. Ashutosh Kumar Son of Satyendra Singh Resident of - Kuwahi Koiri Gaon, P.S- Barahiya, District - Siwan At present resident of Mohalla- Shakti Nagar, Near Shiv Mandir Koja Imali, P.S- Phulwari Sharif, District - Patna.
5. Rohit Kumar Son of Shyam Bihari Paswan Resident of Mohalla - Kanhaiya Nagar, P.S - Phulwari Sharif, District- Patna. Petitioners.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard Ms. Usha Kumari Singh, learned counsel for the petitioners and Mr. Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Beur P.S. Case No. 749 of 2024, F.I.R. dated 15.12.2024 for the offences punishable under Sections 115(2), 352, 351(2), 351(3) and 3(5) of the BNS, 2023 Section 27 of the Arms Act.

3. According to prosecution case, all the accused



persons including these petitioners have abused and threatened the informant and also fired upon him and fled away.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that petitioners were not named in the FIR and their name have been transpired during investigation. It appears from the FIR that there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. She further submits that the co-accused, namely, Shishupal Kumar @ Shishupal Yadav who is named in the FIR has been granted anticipatory bail by this Court vide order dated 15.05.2025 passed in Cr. Misc. No. 15254 of 2025. She further submits that the case of the petitioners are on better footing and witnesses have not disclosed the names of the petitioners.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation against these petitioners and similarly situated co-accused has been granted anticipatory bail, let the petitioners,



above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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.-I, Patna in connection with Beur P.S. Case No. 749 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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