

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52368 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- Baijnathpur District- Saharsa

Vibhash Kumar @ Bibhash Kumar Son of Abhinandan Yadav Resident of Village - Gamharia, Ward No.- 11, P.S.- Baijnathpur, District - Saharsa, Bihar - 852221.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-03-2026 Heard Mr. Shekhar Kumar Singh, learned counsel
for the petitioner as well as Mr. Sanjay Kumar Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.03.2025 in connection with Baijnathpur P.S. Case No. 39 of 2025, F.I.R. dated 26.03.2025 for the offences punishable under Sections 103, 3(5) of the Bharatiya Nyay Sanhita, 2023 and 66(B), 66(D) of the IT Act.

3. According to prosecution case, the informant alleged that the petitioner along with other accused persons took her husband to the maize field and assaulted him due to which her husband died.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion and except suspicion, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and even the CCTV footage does not support that the petitioner was present at the place of occurrence and even no one had seen the occurrence and it appears from FIR itself that the informant is not the eye witness of the alleged occurrence and the petitioner is in custody since 27.03.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner but fairly submits that no cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

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 Judicial Magistrate, Saharsa in connection with Baijnathpur P.S. Case



No. 39 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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