IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75444 of 2026

CNR No. BRHC011106192026

Arising Out of PS. Case No.-90 Year-2025 Thana- CHAUTHAM District- Khagaria

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Bakhera Singh Son of Bhattu Singh @ Bhatu Singh Resident of Village- Nawada, P.S.- Chautham, District- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 06-11-2026 Heard Mr. Santosh Kumar Singh, learned counsel for the petitioner as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.12.2025 in connection with Chautham P.S. Case No. 90 of 2025, F.I.R. dated 10.04.2025 for the offences punishable under Sections 103(1), 61(2) of the Bharatiya Nyay Sanhita, 2023 and Section 27 of Arms Act.

3. Earlier the petitioner moved before this Court for grant of regular bail in Cr. Misc. No. 34172 of 2026 in which he was granted bail vide order dated 08.07.2026 with certain conditions. In the bail application, it was mentioned that petitioner carries four criminal antecedents but infact the

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petitioner had five criminal antecedents. Thereafter, the petitioner has filed a modification application of the bail order and the same was dismissed on 28.08.2026 in Cr. Misc. No. 60525 of 2026. Thereafter, the petitioner moved before the learned trial Court for grant of regular bail but the same was rejected vide order dated 21.09.2026.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated. From bare perusal of the FIR it appears that specific allegation of assault is attributed against co-accused persons, namely, Ashish Kumar, Sonu Kumar and Ritesh Kumar and there is no specific allegation of assault or overt act or firing against this petitioner. He further submits that similarly situated co-accused person, namely, Diwakar Singh has been granted the privilege of anticipatory bail by this Court vide order dated 31.07.2025 in Cr. Misc. No. 47881 of 2025. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.12.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the

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petitioner and submit that on earlier occasion the petitioner had concealed his criminal antecedent. He further submits that petitioner carries five 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 pending matter.

6. Considering the aforesaid facts and circumstances, petitioner was earlier granted the privilege of bail by this Court and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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 District and Additional Session Judge-III, Khagaria in connection with Chautham P.S. Case No. 90 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

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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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