IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77325 of 2026

CNR No. BRHC011116622026

Arising Out of PS. Case No.-737 Year-2023 Thana- BARHARA District- Bhojpur

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Jay Prakash Kumar @ Jay Yadav @ Jai Prakash Kumar Son of Baikunth Ray Resident of Village- Raypur Bindgawan, P.S.- Doriganj, District- Saran at Chapra.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been languishing in custody since, 02.07.2026, and has been made an accused in a case registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act, 1959 in connection with Barhara P.S. Case No. 737 of 2023.

3. As per the allegations made in the F.I.R., Rs. 3000 as well as Mobile of the informant was snatched by two-three miscreants after opening fire when he was travelling on a truck from Koilwar to Muzzaffarpur.

4. Learned counsel for the petitioner submits that he has not been named in the F.I.R. He has been made an accused on the confession of the co-accused, namely Ranjay Kumar. Learned counsel for the petitioner next submits that no recovery has been made from his conscious possession. Learned counsel further submits that the petitioner has not been put on Test

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Identification Parade. Learned counsel next submits that petitioner has two cases against him in which he has already been granted bail. Learned counsel further submits that the petitioner is in custody since 02.07.2026 and undertakes to co-operate with investigation and Trial and also undertakes not to repeat the offence in near future. It is next submitted that the Chargesheet has already been submitted and cognizance has also been taken on 24.08.2026

5. Learned A.P.P. on behalf of the State has opposed the application.

6. Taking into consideration the aforesaid facts that the petitioner is not named in the F.I.R and no recovery has been made from his conscious possession, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Bhojpur at Ara or concerned Court, in connection with Barhara P.S. Case No. 737 of 2023, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

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(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats the offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the two cases mentioned in the bail petition, his bail bond shall not be accepted.

Cases mentioned in para 3 are as follows:

a) Dorigang P.S. Case No. 7/2024

b) Khaira P.S. Case No. 108/2023

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner, and the delay shall not extend beyond a period of ten days.

(Raj Kumar, J)

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