

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90453 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- KISHANPUR District- Supaul

Mithilesh Kumar Son of Sri Birendra Yadav Resident of village - Tulapatti,
P.S.- Kishanpur, District – Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kishanpur P.S. Case No. 188/2025 registered for the offences punishable under Sections 126(2), 115, 110, 303(2), 352, 351(2) and 3(5) of the B.N.S. corresponding to Sections 308, 379, 341, 321, 323, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and others are said to have demanded extortion money of Rs. Two lakh. It is further alleged that the informant has been assaulted by accused persons for getting the extortion money. It is further alleged that when the informant was in unconscious condition Rs. 2,000/- was transferred through the U.P.I. Id of the informant in favour of the petitioner himself. It is further alleged



that accused persons took away informant's motorcycle and fled away from the place of occurrence and they also snatched Rs.17,000/- from the informant.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that the allegation of getting transferred an amount of Rs.2,000/- through U.P.I. Id of the informant in favour of the petitioner is totally false and denied. He further submits that the petitioner has business transaction with Rambhu Kumar who is associate of the informant. Rambhu Kumar voluntarily transferred an amount of Rs.2,000/- on 06.09.2025 at 2:57 pm. The petitioner has transferred more than Rs. 34,000/- from the period 29.07.2025 to 03.08.2025 to Rambhu Kumar. In this way, there is business transaction between both sides and the petitioner has been falsely implicated in this case. In the light aforesaid facts and circumstances of the case, the petitioner has no intention to demand a ransom money, rather it was merely a business transaction between both sides. He further submits that all the injuries of the informant are simple in nature caused by hard and blunt substance. There is inordinate delay of four days in lodging the FIR as occurrence took place on 06.09.2025 and



FIR has been lodged on 10.09.2025 and no plausible explanation has been given regarding the said delay. The petitioner is languishing in custody since 10.10.2025 and bears one criminal antecedent in which he is on bail. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Kishanpur P.S. Case No. 188/2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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