

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91120 of 2025

Arising Out of PS. Case No.-505 Year-2024 Thana- KHAGARIA District- Khagaria

Vishwajeet @ Vishwajeet Kumar S/o Late Vilash Mahton @ Ram Vilash Mahton R/o Village_Dan Nagar Dantola, Ward no. 13, P.S. - Khagaria, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-03-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126 (2), 115 (2), 118 (1), 109, 303 (2), 3(5) of the BNS.

3. The case of the prosecution is that when the informant's son was returning from a fair, five miscreants suddenly assaulted him and told him to take out all the money he had. On protest, it is alleged that the petitioner and one Uttam assaulted the informant's son with '*knife*' causing injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that



during the course of investigation, son of the informant (injured) was examined and as stated in paragraph-71 of the case diary, the injured namely, Gulshan Kumar, has specifically stated that three persons, Uttam Kumar, Biswajit and Bittu Kumar have assaulted him with a '*knife*' and the name of the petitioner does not transpire therein. It is further submitted that from the perusal of the injury report, it would transpire that the injured has sustained only one wound injury on his stomach caused by a '*knife*'. It is further submitted that although there are allegation against three persons, only one single wound injury was found on the person of the injured which creates doubt regarding the prosecution version. It is further submitted that similarly situated co-accused person, namely, Bittu Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.11.2025 passed in Cr. Misc. No. 71969 of 2025. The case of this petitioner stands on similar footing. Moreover, the petitioner is languishing in judicial custody since 30.01.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that the petitioner has four criminal antecedents.

6. Considering the aforesaid facts and circumstances



of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khagaria P.S. Case No. 505 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, subject to the condition that the petitioner shall co-operate in the trial and shall remain physically present as and when required by the trial Court.

(Ashok Kumar Pandey, J)

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