

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1273 of 2026

Arising Out of PS. Case No.-292 Year-2025 Thana- PANCHRUKHI District- Siwan

Durgesh Kumar Son of Ramashray Ram Resident of Village- Pachrukhi, P.O.-
Pachrukhi, P.S.- Pachrukhi, Dist.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-05-2026 Heard Mr. Majid Mahboob Khan, learned counsel
for the petitioner and Mr. Ajay Kumar Jha, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.07.2025 in connection with Pachrukhi P.S. Case No. 292 of
2025 for the offences punishable under Sections 103(1), 61(2)
and 3(5) of BNS.

3. The case of the prosecution, in brief, is that one
Sudama Ram (Informant) aged about 55 years, S/o- Khargiya
Shivmuni given a written report to SHO of Pachrukhi P.S at
Siwan stating therein as follows:-

(A) At 23.06.2025 around 08.00 PM my son named
Neeraj Kumar aged around 26 years was called from his home
by his own village person named (1) Saheb Kumar aged about



24 years S/o- Rameshwar Ram (2) Rajesh Ram aged 40 years
(3) Kundan Ram aged 38 years both Son of Late Shivrath Ram
(4) Bhulan Kumar, aged 22 years, Son of Kariman Ram. All
persons were of same village Harijan Tola, Police Station
Pachrukhi, District- Siwan.

(B) All persons named above taken his son from his
home to nearby Bypass and after half hour there has been
commotion that some high Gas broken out near by pass. Upon
hearing commotion I and some other villagers went to nearby
panchayat building and saw there that my son Neeraj Kumar
head is severely cut at back and he is covered in blood and he is
lying face down, unconscious. Thereafter we called the police
and informed the occurrence and then police came and takes my
son's body for postmortem in Sadar Hospital Siwan.

(C) I believe that my son was murdered by all the
above named four person and also by some unnamed person
(added through a caret i.e. insertion mark). Thus, prayed for
proper and an appropriate action must be taken in this regard.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It is next submitted that petitioner
was not named in the FIR and the name of the petitioner has



transpired during the course of investigation on the various statement of informant. Thereafter, the co-accused person, namely, Shambhu Kumar, has confessed his guilt in the present occurrence and he has stated that the petitioner was also involved in the present occurrence and except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioner with the present occurrence and police after investigation has submitted charge-sheet and petitioner is in custody since 01.07.2025.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the present crime in question and he along with co-accused person, namely, Shambu Kumar have committed the present crime in question.

6. Considering the aforesaid facts and circumstances and that petitioner has clean antecedent and the petitioner was not named in the FIR, 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 ACJM-IX, Siwan in connection with Pachrukhi P.S. Case No. 292 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)

Gaurav Sinha/-

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