

In the Court of Sessions Judge, Darbhanga.**B.P. No.663/2026**

Ashish Kumar son of Lalan Das,
R/o Village-Navtolia PS- Nehra, District- Darbhanga

..... Petitioner.

Versus

The State of Bihar..... Opposite Party.

For the petitioner: Sri Md. Murshid Ansari, learned Advocate.

For the O.P.(State): Shri A.N. Jha, learned Public Prosecutor.

ORDER

25.07.2026: Application for regular bail has been filed on behalf of the petitioner namely Ashish Kumar, who is in judicial custody since 01.07.2026 in connection with Nehra P.S. Case No. 77/2026 for the offences U/s 309(4) of the B.N.S., pressed today.

2. Heard the learned counsel for the petitioner as well as learned Public Prosecutor on behalf of the State.

3. The allegation is that on the alleged date of occurrence of 01.06.2026 at about 10.15 PM the informant closed his Ice-cream shop and was returning to his house through Nehra Road and when he reached in between Dhushi and Tarauni then three persons who were riding a motorcycle came from the opposite direction and thereafter they started following the informant and stopped his vehicle. All these three riders had covered their face with a cloth and they were carrying sharp weapon due to which the informant got scared. The miscreants stretched a knife toward the informant and snatched a mobile and other articles from his pocket. The miscreants also snatched away locket of Bajragbali worth Rs.15,000/- from the neck of the informant and held out threat that if he would utter anything then they would do away with his life. The informant having been frightened remained silent and the miscreants after committed loot and also took away the Hero Passion Pro Motorcycle of the informant bearing registration number BR07AR9177.

4. It is submitted on behalf of the petitioner that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this

case. It has further been submitted that no occurrence has ever alleged or taken place as alleged in the First Information report rather the present case is outcome of police mechanism at the instance of the informant. It is further submitted that by perusal of the First Information Report it appears admitted that the present First Information Report has been instituted against three unknown and the petitioner is not named in the First Information Report and only on the basis of confessional statement of co-accused the petitioner has been made accused in this case, which has no legal value. Further submission is that nothing incriminating has been recovered from the conscious possession of accused petitioner. The further submission is that petitioner carries clean antecedent and is languishing in custody since 01.07.2026. Hence, the petitioner may be granted the privilege of regular bail.

5. On the other hand, the learned Public Prosecutor opposes the prayer of regular bail.

6. Heard and perused the case diary. Para-07 of the case diary reflects re-statement of the informant supporting the occurrence. Para-11 of the case diary reflects description of place of occurrence which appears situated at road in between Lulwa Chowk and Paithan Kabai. Para no. 8,9 reflects statement of witness supporting the occurrence and stated that all these miscreants have covered their face by cloth. Para-65 & 66 of the case diary reflects CDR and SDR of looted mobile and the said mobile having sim number 7984825510 is being used by one Tuntun Chaupal son of Sudhir Chaupal. Para-79 of the case diary reflects confessional statement of accused-petitioner Ashish Kumar Das, who stated about his complicity in the occurrence and also stated that he sold looted golden Hanumani in the Jewellery shop of Durganand Thakur. Para-84 of the case diary reflects the recovery of looted golden Hanumani in melted form on the basis of confession of accused petitioner Ashish Kumar. Para-89 of the case diary

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reflects confessional statement of accused Govind Kumar, who confessed his complicity as well as involvement of accused petitioner in this case and also stated that he handed over the looted motorcycle bearing registration number BR07AR9177 to his associate Saket Kumar. Para-95 of the case diary reflects statement of accused Pankaj Kumar Sah, who runs a mobile shop situated at Shahid Surya Narayan Gate, Narpatnagar and stated that Parakash Kumar and Ashish Kumar(accused-petitioner) came at his shop and sold his mobile and he purchased it on the consideration amount of Rs.2500/- and subsequently he sold the same to one Tuntun Chaupal on consideration amount of Rs.3000/-. Para-94 of the case diary reflects statement of accused Tuntun Chaupal, who stated that he purchased the mobile from the shop of accused Pankaj Kumar Sah on consideration amount of Rs.3000/- Para-118 of the case diary reflects clean antecedent of accused petitioner. Para 171 reflects clean antecedent of the petitioner. The investigation is under progress.

7. Under the facts and circumstances of the present case, the petitioner has been found to be involved in a case of dacoity, looted ornament and mobile have been recovered on the confessional statement of accused petitioner and there is sufficient material available against the petitioner, the Court is not inclined to grant bail to the petitioner at this stage, which consequently stands **rejected**.

(Dictated)

(Ajay Kumar Sharma)
Sessions Judge, Darbhanga.
25.07.2026.