

Court of Additional Sessions Judge I, Jhanjharpur
B.P. No- 107/2026
(Phulparas P.S case No- 444/2025, G.R. NO. 2018/2025)
Durgesh Kumar Vs. State of Bihar
U/s- 103, 61(2) of the BNS & 27 of Arms Act.

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
1	11.03.2026	<ol style="list-style-type: none"> 1. This regular bail petition has been filed on behalf of accused namely Durgesh Kumar who is under custody since 05.01.2026, in connection with Phulparas P.S case No- 444/2025, G.R. NO. 2018/2025, U/s- 103, 61(2) of the BNS & 27 of Arms Act. 2. Heard Sri Nageshwar Yadav, learned counsel on behalf of petitioner and Sri Indrakant Prasad learned APP for the state. 3. The learned counsel on behalf of the petitioner has submitted that, earlier no other bail petition has been filed on behalf of this petitioner either before this Court or before Hon'ble High Court, Patna. He has further submitted that the petitioner has one criminal antecedent and petitioner is quite innocent, has committed no offence. It is further submitted that no occurrence took place as alleged and petitioner has been falsely implicated in this false case and this false case has been lodged against the petitioner due to personal grudge, malice, spite and dirty village party politics. It is also submitted that no case is made out U/s 103, 61(2) of the BNS & 27 Arms Act against this petitioner which are added only to make case non-bailable and graver and nothing incriminating has been recovered from the possession of the petitioner. It is also submitted that petitioner is under custody since 05.01.2026 and ld. Counsel prays to enlarge the petitioner on bail. 4. The learned APP vehemently opposed the prayer of bail and prayed to reject it. 5. Informant of this case is Rina Devi and the case of the prosecution in brief is that on the basis of application given before SHO Phulparas, it is alleged that on 23.10.2025 at 10:00 A.M., informant's son went to his paternal aunt's house and at about 05:00-06:00 PM, he accompanied with Durgesh Kumar and Shiv Shankar Yadav, were returning from there by means of motorcycle and at 07:30 P.M., when they reached at Dhanauja Surha, three criminals stopped their motorcycle and shot the son of the informant in his chest resulted he sustained chest injury, subsequently he was brought to Sub-Divisional Hospital Phulparas, from where he was referred to DMCH for better treatment but on way to DMCH he died. Hence this case. 6. Heard both sides at the length and perused the case record along with case diary. From perusal of the record it transpires that, on the basis of application given by 	
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informant namely Rina Devi before SHO Phulparas P.S., this very case has been registered U/s- 103, 61(2) of the BNS & 27 of Arms Act, against this petitioner and others. From perusal of the record it also appears that petitioner accused is specifically named in FIR and as per allegation, accused petitioner along with other co-accused persons took away the victim Vipin Kumar and in course of that the victim who happens the son of the informant was killed at Dhanauja Surha at about 07:30 P.M. on 23.10.2025, by means of fire arms, resulted he sustained chest injury, subsequently he was brought to Sub-Divisional Hospital Phulparas, from where he was referred to DMCH for better treatment but on way to DMCH he died.

From perusal of the case diary, it transpires that the witnesses in course of investigation, have supported the case of the prosecution and in para No. 8 of the case diary, co-accused Ravishankar Yadav has confessed his guilt and also disclosed the name of the petitioner and his involvement in the occurrence alleged. Apart from that from perusal of the para No. 11 of the case diary, it transpires that at the instance of co-accused Ravishankar Yadav the weapon desi katta, which was used in occurrence allged, has been recovered and seizure list is also prepared for the same and in para No. 35 of the case diary, postmortem report also corroborates the case of the prosecution and in supervision, recorded in para No. 48 of the case diary, the case is found true against the petitioner accused U/s 103, 3(5) of the BNS and also U/s 25 (1-b) a, 26, 35, 27 of the Arms Act.

7. Therefore, considering the facts and circumstances discussed above as well as gravity and nature of offence, I am not inclined to enlarge the petitioner on bail accordingly, the prayer for regular bail on behalf of **Durgesh Kumar**, is hereby **rejected**.

Dictated and Corrected

Sd/-

(Sushil Kumar Dixit)
Addl. Sessions Judge-Ist
Jhanjharpur.

Memo No..... Dated.

Copy of order be forwarded to the Court of Ld. ACJM II Jhanjharpur for information and needful.

(Sushil Kumar Dixit)
Addl. Sessions Judge-Ist
Jhanjharpur.

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