

Kanhaiya Jee Choudhary
Sessions Judge, Purnea.
BP No.273 of 2026/CIS No.273 of 2026
Durgesh Kumar @ Pushpam Kumar Versus State
(arising out of K.Hat P.S. Case No.38 of 2026)
Date of Order : 26.3.2026

IN THE COURT OF SESSIONS JUDGE, PURNEA

BP No.273 of 2026/CIS No.273 of 2026

Durgesh Kumar @ Pushpam Kumar, aged about 35 years S/o Sharad Chandra Singh, R/o Sipahi Tola, P.S. K.Hat, District Purnea.

Versus

State

Date of order or proceeding	Order with signature of the court	Office action taken with date
26.3.2026	Bail Petition filed on behalf of the petitioner, namely, Durgesh Kumar @ Pushpam Kumar, who is in judicial custody since 22.1.2026 in connection with K.Hat P.S. Case No.38 of 2026 registered for the offence under sections 126(2), 115(2), 303(2), 189(2), 127(2), 329(3), 329(4), 109, 121(1), 121(2), 324(4), 132, 352, 351(2) of the BNS is put-up for hearing. A petition has filed on behalf of the petitioner with a prayer to treat the petition dated 26.3.2026 as part of para 3 of the memo of petition and same is allowed. 2. Heard Sri Md. Mamun Alam, learned counsel appearing on behalf of petitioners and Sri A.K. Tiwary, the learned P.P. appearing for the State. 3. As per letter No.191 dated 21.1.2026 of the Circle Officer, Purnea East, Purnea, the case of prosecution, in brief, is that on 19.1.2026, in compliance of order of the SDM, Purnea, construction work of boundary wall of Mahila College, Purnea was going-on but on 20.1.2026, petitioner Prafulla Chandra Roy extended threats to stop construction work as such the Principal of the aforesaid college vide office letter dated 20.1.2026 requested for provide administrative assistance for continuing the construction work and on 20.1.2026 at about 11 AM, the Informant alongwith Police force went there and found that 25/30 peoples were assembled there under the leadership of Prafulla Chandra Roy and restrained the construction work, upon this the Informant while crossing NALA in view to get start the construction work, Prafull	

Contd. 26.3.2026	Chandra Roy attacked on the Informant and asked his daughter to assault him. The other FIR named accused persons including this petitioner made their assistance for assaulting the Informant, causing which he sustained serious injuries on his person and he got treatment at GMCH, Purnea vide Registration No.3509 dated 21.1.2026. It is further alleged that petitioner Prafull Chandra Roy brought females on hire, who also attacked on him. Co-accused Prafulla Chandra Roy ordered them to damage the government materials and equipments and they stolen electric hammer worth Rs.45,000/-. It is further alleged that all the FIR named accused persons including the petitioner attached upon the Informant with wall resulted which he felt suffocation and sustained injury on his chest, knee and whole body. Co-accused Trisha Roy, who is daughter of Prafulla Chandra Roy extended threat to implicate in false case and Informant further stated that Prafulla Chandra Roy is a man of criminal antecedent. 4. Learned counsel for the petitioner has submitted that petitioner is employee of co-accused Praful Chandra Roy and petitioner has falsely been implicated in this case. He also submitted that owner of this petitioner has lodged K.Hat P.S. Case No.43 of 2026 against the Informant as counter blast of the occurrence. He also submitted that there is no specific overt-act against these petitioners. Co-accused Praful Chandra Roy and other co-accused persons have already been granted anticipatory bail by this court vide order dated 10.3.2026 passed in ABP Nos. 178 of 2026 and 204 of 2026. Petitioner has one criminal antecedent but he is on bail. Petitioner is in judicial custody since 22.1.2026. So, prayed for bail. 5. On the contrary, learned P.P. opposed the prayer of anticipatory bail but fairly conceded that co-accused persons have already been granted anticipatory bail by this court and case of this petitioner more or less on similar footing to that of co-accused	
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Contd.
26.3.2026

persons.

6. I have heard the rival submission of both the parties and perused the case record,LCR and case diary and injury report of Informant. From perusal of the same it appears that though, petitioner is named in the FIR but he is employee of co-accused Praful Chandra Roy and said Praful Chandra Roy and co-accused persons have already been granted anticipatory bail by this court vide order dated 10.3.2025 passed in ABP Nos. 178 of 2026 and 204 of 2026 and case of this petitioner more or less on similar footing and there is no specific overt-act against the petitioner and he is simply a member of alleged unlawful assembly. Petitioner is in judicial custody since 22.1.2026.

7. Considering the aforesaid facts and circumstances of the petitioners and there is no specific overt-act against the petitioner and petitioner is in judicial custody since 22.1.2026 and on similar situated fact, co-accused persons have been granted anticipatory bail, the prayer of bail of the petitioner Durgesh Kumar @ Pushpam Kumar is allowed. Petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, subject to the condition that (1) petitioner shall remain physically present, as directed by the court, on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court concern.

(Dictated & corrected by me)

Sd/-

Sessions Judge, Purnea

Date of Order	26.3.2026
Date of Reserving Judgment/ order	26.3.2026
Uploading Date	28.3.2026
Uploaded by	Kumar Sanjay,Steno

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