

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.838 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- NAUHATTA District- Saharsa

Kundan Kumar Son of Laldev Yadav Resident of Village - Rasalpur, Ward
No. 14, P.S. - Darhar, District - Saharsa, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey(APP84)

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Nawhatta P.S. Case No. 208 of 2024 instituted for the offences
under Section 310(2) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of looting the
Informant's IQZ9+ mobile and cash of Rs. 1700/- on the point
of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to previous enmity and malicious intentions. The petitioner



is not named in the F.I.R. and his name has come in course of investigation on the basis of the disclosures made by the co-accused Deepak Kumar recorded before the police which has no evidentiary value in the eye of law. Except confessional statement of the co-accused Deepak Kumar, there is nothing against the petitioner in the entire record of this case. He further submits that nothing incriminating/looted article has been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade of the petitioner has been done. There is no independent eye-witness to the alleged occurrence. The petitioner was not arrested on the spot. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The name of the petitioner has come on the basis of the confessional statement of the co-accused Deepak Kumar. The I.O. after completion of investigation has submitted charge-sheet under Section 310(2), 311, 317(3) of the B.N.S. and Section 27 of the Arms Act.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawhatta P.S. Case No. 208 of 2024.

(Rudra Prakash Mishra, J)

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