

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3546 of 2025

Arising Out of PS. Case No.-209 Year-2024 Thana- ISUAPUR District- Saran

1. Nitish Kumar, Son of Anand Kumar, Resident of Village - Dihi Manauwar @ Manavar, P.S. - Maker, District - Saran
2. Bipin Kumar, Son of Nagendra Rai, Resident of Village - Dihi Manauwar @ Manavar, P.S. - Maker, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioners who are in custody in connection with Ishuapur P.S. Case No. 209 of 2024 registered for the offence punishable under Section 309(4) of the Bharatiya Nyaya Sanhita.

3. Allegedly on a fateful day the informant who had been working in Jio company, was coming on his motorcycle. In the way when the informant parked the motorcycle in order to attend the call of nature, in the mean time, altogether six accused persons riding on three motorcycles came there and on



the point of pistol looted the motorcycle. On *halla* being raised, one of the miscreants left his motorcycle which was seized by the police.

4. Learned Advocate appearing on behalf of the petitioners contended that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation one Raushan Kumar was apprehended and the name of the petitioners has surfaced on the confessional statement of said Raushan Kumar. Save and except the confessional statement, there is no material suggesting the complicity of the petitioners in the crime. The Pulsar motorcycle in question which was said to have been left by the miscreants, does not belong to the petitioners, that apart the petitioners have been incarcerated since 21.10.2024, but, till date, the petitioners have not been put on test identification parade and the chargesheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioners bear three criminal antecedents, one of which is identical in nature, thus the complicity of the petitioners in such crime cannot be denied.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioners are neither named in the F.I.R., nor till date they have been put on test identification parade, apart from that there is no recovery of any incriminating material from their conscious or constructive possession, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Ishuapur P.S. Case No. 209 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found



that the petitioners have concealed their criminal antecedents, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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