

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8798 of 2025

Arising Out of PS. Case No.-428 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Tribhuvan Kumar S/O Vijay Prasad Yadav @ Vijay Ray R/O Village- Santpur,
P.S- Muffasil, Distt.- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in connection with
Muffassil P.S. Case No. 428 of 2024 registered for the offences
punishable under Section 310(2) of the Bharatiya Nyaya
Sanhita.

3. As per the prosecution case, the informant has alleged
that while he was coming on his motorcycle, six miscreants are
said to have intercepted him and at the point of knife certain
documents and other articles were snatched away and they fled,
however, while fleeing a motorcycle was left behind and on
enquiry it was found that it belonged to one co-accused
Chandan Kumar.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and that he is not named in the FIR and his named has transpired on the confessional statement of one co-accused Chandan Kumar, the person who was using the motorcycle which was left behind by the miscreants. Learned counsel next submits that it was on the statement of Chandan Kumar that all the looted articles were recovered. It has further been submitted that no incriminating article was recovered from the conscious possession of the petitioner and till date he has not been subjected to Test Identification Parade. Co-accused Chandan Kumar in whose statement the name of the petitioner has surfaced had been granted anticipatory bail by a Coordinate Bench of this Hon'ble Court. Learned counsel has lastly submitted that the petitioner has clean antecedent and is in custody since 25.10.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner is part of a gang which commits theft and loot on road.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no incriminating article has been recovered from the possession of the petitioner and also the fact that the co-accused had been granted anticipatory bail and taking into account the period of custody, let the petitioner



above-named, be enlarged 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 Court of Learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffassil P.S. Case No. of 428 of 2024, subject to the following conditions:-

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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