

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10159 of 2025

Arising Out of PS. Case No.-5 Year-2018 Thana- WAJIRGANJ District- Gaya

Kalia @ Babu @ Bablu @ Babul @ Vikash Kumar S/O Munna Rajvanshi
R/O Village- Ram Haripind, P.S- Rajgir, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-07-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Wazirganj P.S.
Case No. 05 of 2018 corresponding to S. Tr. No. 285/2021
registered for the offences under Sections 395 of the Indian Penal
Code.

3. The petitioner is not named in the First Information
Report and is in custody since 08.01.2018.

4. Allegation against the petitioner is to commit dacoity
along with other unknown co-accused persons and while doing so,
looted a car of the informant.

5. It is submitted by learned counsel appearing on behalf
of the petitioner that the name of the petitioner was disclosed by
apprehended co-accused person, who were apprehended with



looted car. It is pointed out that petitioner was not apprehended with car in issue, which was the subject matter of dacoity. It is submitted that in furtherance of confession no incriminating material appears to be recovered/surfaced which may connect the petitioner *prima- facie* with the present occurrence of dacoity.

6. It is submitted that petitioner found involved in 12 more criminal cases, where he is on bail and on the basis of suspicion arising from his criminal antecedents, he was implicated with the present case only with confession having otherwise no evidentiary value under the law.

7. It is pointed out by learned counsel that if the merit of the case otherwise appears in favour of petitioner, he merely on the ground of his criminal antecedents cannot be kept behind the bar. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

8. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, could not disputed the aforesaid submission.

9. A report regarding status of trial was called for from the learned trial court which made available through letter no. 215



dated 28th June, 2025 from the court of learned District & Additional Sessions Judge-II, Gaya, stating therein that out of six prosecution witnesses, not a single witness has been examined till date.

10. Considering the factual and legal submission and by taking note of the fact as save and except suspicion arising out of confessional statement nothing *prima facie* appears against this petitioner as to connect him with the present case, coupled with the fact that petitioner remains in custody since 08.01.2018, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Gaya, in connection with Wazirganj P.S. Case No. 05 of 2018 corresponding to S. Tr. No. 285/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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