

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10624 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- FALKA District- Katihar

Roshan Kumar, aged about 29 years, Male, Son of Kapildeo Mandal, Resident of Village- Govindpur, P.S.- Falka, District – Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sn Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Falka P.S. Case No. 135 of 2024 instituted for the offences punishable under Sections 309(4) and 109 of the B.N.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, two miscreants intercepted the informant and snatched Rs. 20,000/- and mobile phone from his possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to local politics. He submits that petitioner has been made accused only on the basis



of confessional statement of co-accused Nawneet Mandal. Nothing has been recovery from the conscious possession of the petitioner. Learned counsel for the petitioner submits that co-accused persons namely Ajeet Kumar and Nawnit Kumar Mandal have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 81807 of 2024 vide order dated 04.12.2024. He further submits that petitioner has no criminal antecedent as stated in para 3 of the petition is in custody since 05.10.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also perused the impugned order dated 09.01.2025 passed by the learned District and Additional Sessions Judge-V, Katihar, it appears that on the basis of the fardbeyan of the informant Karu Mandal, FIR has been lodged under Sections 309(4) and 199 of the B.N.N.S. and Section 27 of the Arms Act against one named accused persons namely Munna Yadav and others unknown person and during course of investigation, the named accused Munna Yadav arrested and he confessed his guilt and disclosed the name of other co-accused person namely Nawnit Mandal and thereafter Nawnit Kumar Mandal stated before the police that the looted Motor Cycle bearing Registration No. BR-39W-



6461 has been given to one Roshan Kumar (petitioner) and after recovery of the said motorcycle, he has been made accused in this case.

7. Considering all aspects of the material, seriousness of the case and recovery of the aforesaid motorcycle from the conscious possession of the petitioner, I am not inclined to grant bail to the petitioner at this stage.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, the petitioner is at liberty to may renew his prayer for bail after completion of one year in custody before the Trial Court.

(Ramesh Chand Malviya, J)

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