

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12255 of 2025

Arising Out of PS. Case No.-222 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Md. Kurban S/o- Md. Yusuf Resident of Mohalla- Rampara, Momin Tola, P.S.
Nagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mufassil P.S. Case No. 222 of 2024 instituted for the offences
under Section 309(4) of the B.N.S.

3. As per prosecution case, on 19.09.2024, when the
Informant along with his sister was going to Hasanganj, four
motorcycle-borne miscreants stopped them on the way and took
away the key of the bike, purse and mobile on the point of gun.

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
only on the basis of suspicion. The petitioner has not committed



any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. as the same was instituted against unknown persons. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Except suspicion, there is nothing adverse against the petitioner in the entire record of the case. The petitioner has confessed his guilt before the police of being involved in the alleged offence which has no eventiary value in the eye of law. No T.I.P. has been held in this case. The petitioner has one criminal antecedent and is languishing in judicial custody since 19.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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 mobile phone and a motorcycle have been recovered from the possession of the petitioner. The petitioner has also confessed his guilt in his confessional statement of his being involved in the alleged offence. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case



and the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Mufassil P.S. Case No. 222 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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