

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10838 of 2025

Arising Out of PS. Case No.-718 Year-2024 Thana- KADAMKUAN District- Patna

Vivek Kumar, aged about 19 years, Male, Son of Mahadev Chauhan, Resident of Rajiv Nagar Road No-21, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Ranjan Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kadamkuan P.S. Case No. 718 of 2024 instituted for the offences punishable under Sections 331(5) and 305 of the BNSS.

3. As per the prosecution case, unknown thieves committed dacoity by breaking the lock of the house and almirah of the informant.

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. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has got two criminal antecedent as stated in para 3 of the petition is



in custody since 21.10.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR, criminal antecedent report and also perused the impugned order dated 08.01.2025 passed by the learned District and Additional Sessions Judge-XII, Patna, it appears that on the basis of written report of the informant, FIR has been lodged under Sections 331(5) and 305 of the BNSS. It is apparent that during course of investigation the name of the petitioner has been surfaced in this case only on the basis of his confessional statement in which he has admitted his involvement and stated that he has committed loot in the house of the informant along with co-accused, this shows the direct involvement of the petitioner in the present case. During course of investigation, as stated in para 59 of the case diary, at the time of occurrence two mobile numbers have been detected in this crime which is 7079964035 and 9934995896. The second mobile number i.e., 9934995896 belongs to the present petitioner and the other number i.e., 7079964035 belongs to one Roshan Pandey. One motorcycle bearing Registration No. BR-01DJ-1897, also belongs to Jitendra Pandey, who is the brother of said Roshan Pandey.

7. Considering the facts and circumstances of the case



as well as nature of offence, 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, petitioner is at liberty to renew his prayer for regular bail before the trial Court after completion of one year of his custody and the learned trial Court is directed to grant the same.

(Ramesh Chand Malviya, J)

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