

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11051 of 2025

Arising Out of PS. Case No.-217 Year-2023 Thana- SAHIYARA District- Sitamarhi

Prabhat Kumar S/o- Ram Mahto @ Rambabu Mahto Village- Bhuthi Ps-
Bhuthi Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Adv.

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

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

ORAL ORDER

2 26-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sahiyara P.S. Case No. 217 of 2023 instituted for the offences
under Section 392 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the
Informant and his companion by means of butt of the gun. It is
alleged that the accused persons robbed the motorcycle of the
Informant and mobile of his associate namely Jitu Kumar and
fled away from there. It is also alleged that a cash of Rs.
86,210/- was kept in the dickey of the Informant's motorcycle.

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. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the confessional statement of the arrested co-accused Sundan Kumar before the police which has no evidentiary value in the eye of law and, except this, there is nothing against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has not been put upon to Test Identification Parade. The petitioner has four criminal antecedents and is languishing in judicial custody since 18.01.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Kundan Das @ Kundan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 80690 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner also the prayer for bail



being based on parity, 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 Sahiyara P.S. Case No. 217 of 2023, 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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