

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13281 of 2025

Arising Out of PS. Case No.-238 Year-2020 Thana- FALKA District- Katihar

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Birbal Mehra @ Birbal Kumar @Birbal Kumar Ram @ Birbal Ram Son of
Late Ramdev Ram @ Timmu Mehra Resident of village - Makdampur Kahar
Toli, P.S.- Purauni, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2025 Heard Mr.Alok Kumar Singh, learned counsel for the

petitioner and Mr.Rajendra Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
28.09.2022 in connection with Falka (Pothiya) P.S. Case No.
238 of 2020, F.I.R. dated 18.07.2020 registered for the offence
punishable under Sections 302,34 of IPC.

3. As per the prosecution case, all the FIR named
accused and two unknown persons killed the husband of
informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that the petitioner is not named in
the FIR. The name of the petitioner has been transpired during



investigation on the basis of the confessional statement of the co-accused person, namely, Santosh Kumar Yadav and except the confessional statement of the co-accused person, namely, Santosh Kumar Yadav, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused persons, namely, Santosh Kumar Yadav, Jantu Ravidas @ Jantu Ravidas and Mithun Yadav have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 02.07.2021, 27.09.2022 and 18.05.2023 passed in Cr. Misc. Nos.15483 of 2021, 17480 of 2022 and 17986 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2022 more than two and half years.

5. Vide order dated 28.02.2025 a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 17.03.2025 reveals that only on 06.03.2025 after supplying the police paper to the accused persons the aforesaid case has committed to the learned court below.

6. Learned counsel for the petitioner referring the report of the learned Trial Court and submits that in view of the



report of the learned Trial Court that there is no chance of early conclusion of the trial in near future, other co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 28.09.2022.

7. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and apart from that, the petitioner carries three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases, and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid fact, report of the learned Trial Court and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Katihar in connection with Falka (Pothiya) P.S. Case No. 238 of 2020, with the following conditions:-

(1) Petitioner shall co-operate 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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