

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15000 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- BALTHAR District- West Champaran

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Gabbar Singh @ Saheb Singh S/o Sri Bhola Singh Resident of village -
Bhadbharwa, P.S.- Purshottampur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Balthar
P.S. Case No. 74 of 2024, instituted for the offences punishable
under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, three
unknown miscreants accosted the informant while he was
driving alone, hurled abuses, assaulted him and fled away by
taking his mobile phone.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused persons, namely, Nadim Sarwar and Pintu Kumar and the same has got no evidentiary value. It is further submitted that neither any recovery has been made from the petitioner nor any T.I. parade has been conducted in this case. The petitioner is in custody since 14.12.2024 and has got six criminal antecedents in which he is on bail in all cases. Other co-accused has been granted bail by this Court vide order dated 16-01-2025, passed in Cr. Misc. No. 89289 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balthar P.S. Case No. 74 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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