

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14767 of 2025

Arising Out of PS. Case No.-986 Year-2023 Thana- GAYA MUFASIL District- Gaya

Shubham Kumar @ Abhiraj Kumar, aged about 22 years, (Male), son of
Jayendra Kumar, resident of Village- Mirganj, PS- Mufassil, Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Mufassil PS Case No.986 of 2023 dated 18.09.2023, instituted
for the offence punishable under Sections 394 of the Indian
Penal Code.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence the informant along with his brother
was returning home after closing the jewellery shop with cash of
rupees twenty thousand and gold item of 150 gr., diary, key of
locker, ATM Card and on the way four unknown persons
stopped his motorcycle and beaten them and snatched all their
belongings on the point of gun. They dragged the informant and
his brother towards the field where 5-7 persons were already



there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that FIR has been lodged against four unknown accused. During investigation, the petitioner has been made accused only on the basis of the his self confessional statement. Petitioner has not been put on test identification parade till date. Nothing incriminating has been recovered either from the conscious possession of the petitioner or from the house of the petitioner. It is further submitted that co-accused, Nitish Kumar @ Vikas, has been granted anticipatory bail by this Court by order dated 18.03.2024 passed in Cr. Misc. No.17689 of 2024; co-accused, Chhotu Kumar @ Bauna has been granted regular bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. No.16929 of 2024 and co-accused Karu Singh @ Jitesh Kumar @ Jitu Kumar has been granted bail vide order dated 23.05.2024 passed in Cr. Misc. No.20189 of 2024. Lastly, it is submitted that one criminal case is pending against the petitioner and he is in custody since 20.12.2024.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Gaya, in Muffasil PS Case No.986 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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 and (v) that the petitioner shall appear before the SHO of Muffasil PS, Gaya, within fifteen days of his release on bail along with a copy of this order and thereafter shall appear every fortnightly to mark his attendance till the conclusion of the trial.



7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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