

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21934 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- KESARIA District- East Champaran

Shubham Raj S/O Pramod Prasad Kushwaha @ Pramod Kumar Resident of
Nayagaon Khap Gopalpur, P.S.- Kesariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-04-2025 Learned counsel for the petitioner is permitted to
make necessary correction in Para 13 of the bail petition which
was filed on behalf of the petitioner.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Kesariya P.S. Case No. 34 of 2024 registered for the offences
punishable under Section 392 of the Indian Penal Code.

4. As per prosecution case, three unknown miscreants
arrived at petrol pump and took the petrol worth Rs. 599/-. It is
alleged that at the gun point, two miscreants looted Rs. 46,700/-
(in cash) and one Red-mi mobile from the informant and fled
away towards *Satarghat*.

5. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner has been remanded in this case from the Kesariya P.S. Case no. 259 of 2024 on 03.09.2024 and since then he is in custody. He further submits that petitioner is not named in FIR and his name has been surfaced on the basis of confessional statement of co-accused Sonu Kumar. Except confessional statement of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits through Para 10 of the bail petition that from the case diary it is reflected that the face of the miscreants has been covered then there is no question of their identification through CCTV footage. He further submits that even motorcycle has not been identified in the CCTV footage due to darkness. He further submits that no TIP has been conducted up till now. Petitioner bears criminal antecedent of three cases in which he is on bail. He further submits that petitioner has falsely been implicated in the present case merely on the basis of his criminal antecedents. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.



6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, East Champaran at Motihari in connection with Kesariya P.S. Case No. 34 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

