

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21838 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- BARSOI District- Katihar

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Biru Kumar Sah @ Biru Kumar Saha Son of Late Arun Sah @ Late Arun Kumar Sah Resident of Village - Alipur (Sitalpur), P.S. - Barsoi, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks bail in connection with Barsoi
P.S. Case No. 122 of 2024 registered for the offences punishable
under Sections 420, 379, 411, 414 of the Indian Penal Code.

3. As per prosecution case, one co-accused Sanjiv
Kumar Shamra was apprehended with Super Splendor
motorcycle and on his disclosure T.V.S. Apache motorcycle was
recovered from his house. The apprehended accused failed to
show any paper with regard to the aforesaid motorcycles and he
disclosed the name of the present petitioner and others who also
participated in alleged occurrence.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has not committed any offence as alleged in the first information report. Learned counsel submits that except the disclosure of the co-accused, there is nothing on the record to connect the petitioner with the alleged occurrence. Learned counsel further submits that the disclosure of the co-accused has no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has been implicated in this case merely because of having criminal antecedent. Petitioner is in custody since 24.09.2024. Petitioner has criminal antecedent of three cases in which he is on bail in Barsoi P.S. Case No. 181 of 2024. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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

6. 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 considering the material available on the record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand) each



with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Katihar in connection with Barsoi P.S. Case No. 122 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 tamper 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)

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