

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23331 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Subhas Kumar S/O Harendra Rai Resident of Village- Shantipuri, P.S.- Town
Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Trial
No. 3456 of 2024 arising out of Motihari Town P.S. Case No.
434 of 2024 registered for the offences punishable under Section
309(4) of the B.N.S Act and Section 27 of the Arms Act.

3. As per prosecution case, informant's brother-in-
law was going to deposit Rs. 8,00,000/- from flipkart to bank on
motorcycle and in the way he was attacked by three unknown
miscreants and he suffered serious injury and the miscreants
also snatched Rs. 8,00,000/- from the dicky of the motorcycle of
the victim. FIR has been lodged against three unknown persons.

4. Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been transpired in the present case upon the self-confessional statement after 8 days of occurrence as petitioner is the delivery boy of flipkart company and on the basis of suspicion his name came to fore. Basically, petitioner has nothing to do with the alleged occurrence. As per self confessional statement, he has merely worked as facilitator in the alleged occurrence and the self-confessional statement has no evidentiary values in the eyes of law. Nothing has been recovered from the house of the petitioner and so far as allegation of recovery of Rs. 30,000/- is concerned, the same belongs to the petitioner. He further submits that on earlier occasion bail prayer of the petitioner has been rejected and he has been directed to renew the bail prayer after framing of charge. It has been submitted that charge has already been framed on 18.02.2025 and petitioner has filed the present Cr.Misc. after framing of charge. He further submits that petitioner is in custody since 02.08.2024 and he bears no criminal antecedent. Petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is said to have participated in the alleged occurrence



as he has confessed that he has acted as a liner in the alleged occurrence as mentioned in the impugned order itself.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner and earlier while rejecting the bail prayer there was direction that he may renew the bail prayer after framing of charge and charge has already been framed, 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 C.J.M, East Champaran at Motihari or Successor Court in connection with Trial No. 3456 of 2024 arising out of Motihari Town P.S. Case No. 434 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)

vashudha/-

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