

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22348 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

Md. Harun Akhtar S/o Md. Akhtar @ Md. Akhtar Ansari Resident of village -
Madhopur katharia, ward no 04, P.s.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2025 Heard Mr. Abhishek Kumar, learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.11.2024 in connection with Dumariyaghat P.S. Case No. 268
of 2024, F.I.R. dated 02.11.2024 for the offences punishable
under Section 310(2) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, this petitioner along
with other accused persons have looted the vehicle loaded with
58 sacks of green chilli and also looted the mobile phones of the
informant and the pillion rider.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the suspicion. He further submits that thereafter, one co-accused, Md. Ali Akhtar as well as this petitioner have confessed their guilt in the present occurrence and except the confessional statement of the co-accused person as well as self confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Amit Kumar Giri @ Amit Giri @ Amit Kumar has been granted bail by this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 31055 of 2025 and another co-accused, namely, Sunil Sah @ Sunil Prasad @ Sunil Prasad Sah has also been granted bail by this Court vide order dated 05.02.2025 passed in Cr. Misc. No. 302 of 2025. The petitioner is in custody since 04.11.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of the self confessional statement of the petitioner the vehicle in question was recovered and apart



from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances that the co-accused persons have been granted bail by this Court and till date no TIP has been conducted by the prosecution, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 268 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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