

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29022 of 2025

Arising Out of PS. Case No.-203 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Akash Kumar S/o Badri Ram R/o vill - Hasanpur, P.S.- Kundwachainpur, Distt.- East Champaran
 2. Rupesh Kumar S/o Late Ramdev Ram R/o vill - Hasanpur, P.S.- Kundwachainpur, Distt.- East Champaran
 3. Deepak Kumar @ Dipaak Kumar S/o Bindeshwari Ram R/o vill - Hasanpur, P.S.- Kundwachainpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2025 Heard Mr. Sharda Nand Mishra, learned counsel

for the petitioners and Mr. Murli Dhar, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kundwa Chainpur P.S. Case No. 203 of 2024, F.I.R. dated 02.12.2024 for the offences punishable under Section 309(4) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, while the informant along with his relatives were returning to their house, 4 miscreants intercepted them and on the point of pistol they snatched mobiles of informant as well as his relatives and Rs.



25,000/- from Ajeet Kumar and fled away.

4. Learned counsel for the petitioners submits that petitioner no. 3 has clean antecedent, petitioner no. 1 has two criminal antecedents and petitioner no. 2 has one criminal antecedent other than the present one but they are on bail in the pending matters and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Pappu Kumar and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no. 1 carries two criminal antecedents and petitioner no. 2 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that both the petitioners are on bail in pending matter.

6. Considering the aforesaid facts and circumstances that the name of the petitioners has been transpired on the basis



of the confessional statement of the co-accused, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 203 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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