

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29811 of 2025

Arising Out of PS. Case No.-740 Year-2023 Thana- SIKARPUR District- West Champaran

Gambhir Kumar Yadav S/o Late Lalji Yadav R/o Village- Juda (Jura) Ward
No. 13, P.S.- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2025 Heard Mr. Brij Kishor Mishra, learned counsel for the

petitioner as well as Mr. Md. Mushtaque Alam, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 02.02.2025
in connection with Shikarpur P.S. Case No. 740 of 2023, F.I.R. dated
13.09.2023 for the offences punishable under Section 392 of the
Indian Penal Code and later on changed as under Section 395 of
Indian Penal Code.

3. The FIR of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the present
case merely on the basis of confessional statement of co-accused
person, namely, Mukesh Kumar Chaudhary and except the aforesaid,
no other cogent material has come during investigation against the
petitioner to suggest the involvement of the petitioner in the present



occurrence and thereafter the petitioner also confessed his guilt that he was also involved in the present crime in question and similarly situated co-accused person, namely, Sunny Kumar Yadav, whose name has also been transpired on the basis of confessional statement of Gambhir Kumar Yadav (petitioner) has been granted privilege of anticipatory bail by this Court vide order dated 21.04.2025 passed in Cr.Misc.No.22906 of 2025. The police after investigation has submitted charge-sheet against the petitioner and the petitioner is in custody since 02.02.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that although the name of the petitioner has been transpired on the basis of confessional statement of co-accused person but thereafter the petitioner has confessed his guilt in the present occurrence which is recorded in paragraph-187 of case diary.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the name of petitioner has been transpired on the basis of confessional statement of co-accused person and thereafter the petitioner confessed his guilt, 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 First Class, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 740 of 2023, 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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