

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33768 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- Vishanpur District- Kishanganj

Lalu @ Gulab @ David S/O Mozzam @ Moajjam R/O Vill.- Chirah, ward no.
3, P.S.- Mahalgawn, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 309 (4), 309 (6) and 109 (1) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959.

3. The allegation is that three miscreants looted four kgs. of silver and 4 Bhar of gold from a person on the point of pistol and one of them also resorted to fire causing injury to a villager on his ankle.

4. It is submitted by learned counsel for the petitioner that the petitioner was not arrested on the spot. He has been made accused on a tip off given by the spy. Two mobile phones, which belonged to the petitioner, has been recovered



from him. No jewellery or ornaments have been recovered from the petitioner. It is further submitted that the petitioner has not been put on test identification parade till date to establish his complicity in the said occurrence. It is also pointed out that the charge-sheet has been submitted in this case and petitioner is languishing in custody since 05.12.2024.

5. Learned APP for the State opposes the bail petition on the ground that the petitioner is accused in six criminal cases out of which two are of similar nature of the offence.

6. Taking into consideration the facts and circumstances of the case as well as the fact that no recovery has been made from the petitioner and charge-sheet has already been submitted, the above named petitioner is directed to be enlarged 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 the learned Court below where the case is pending/successor Court in connection with Bishanpur P.S. Case No.23 of 2024, subject to the conditions that :

- (i) One of the bailors will be his close relative.
- (ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



(iii) The petitioner shall remain physically present in court on each and every date during trial till the charge is framed and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

Trivedi/-

U		T	
---	--	---	--

