

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33802 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- PARSABAZAR District- Patna

Abhishek Kumar S/o Sri Deepak Kumar @ Dipak Kumar R/o Vill- Kamarjee,
P.S.- Gaurichak, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv. Mr. Bhola Kumar, Adv.
For the State	:	Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 Heard Mr. Ashok Kumar Choudhary, learned senior counsel for the petitioner and Mr. Prem Kumar Jha, learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Section 309(6) of the BNS, 2023 and Section 27 of the Arms Act.

3. The prosecution case as disclosed in the FIR is that the informant Chandan Kumar was intercepted by three unknown persons who came on a motorcycle and by force of the arms, they snatched Rs. 2000/- from his pocket and upon showing his resistance, the accused persons also assaulted him with the butt of pistol on his head due to which he sustained head injury. It has further been alleged that when the local people assembled,



the accused persons fled away leaving their motorcycle at the place of occurrence.

4. Learned senior counsel for the petitioner submits that the petitioner was arrested on suspicion and also on the ground that the motorcycle in question belongs to the petitioner. It has been pointed out and also stated in the petition in paragraph 10 that the petitioner had given his motorcycle to a co-villager, namely, Rajiv Kumar, who has already been granted bail by a Co-ordinate Bench of this Court vide order dated 06.05.2025 passed in Cr. Misc. No. 29495 of 2025. Further, with regard to the allegation that an amount of Rs. 2000/- was recovered from the possession of the present petitioner, it is submitted that the said amount could normally also be found in the possession of anyone and it does not relate to the money that was the subject matter of loot. It is further submitted that till date, no Test Identification Parade has been carried out and the petitioner is in custody since 11.02.2025 and charge sheet has also been submitted against him.

5. Learned APP for the State, however, opposes the prayer for regular bail on the ground that petitioner has one criminal antecedent. In response to the same, it is submitted on behalf of the petitioner that the said case was concerned with a



family feud and was not of a similar nature.

6. Considering the above-mentioned facts and circumstances and particularly that co-accused, namely, Rajiv Kumar has already been granted bail by a Co-ordinate Bench of this Court, 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 Parsa Bazar P.S. Case No. 64 of 2025, subject to the following conditions that:

(i) One of the bailors will be the father of the petitioner.

(ii) The petitioner shall remain physically present in the court on each and every date during trial till the framing of charges 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)

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