

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35675 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- DHAKA District- East Champaran

Sushant Kumar @ Shashank Kumar Son of Birendra Prasad Resident of village - Raksha, P.S.- Dhaka, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2025 Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 66 of 2025, F.I.R. dated 13.02.2025 for the offences punishable under Sections 317(5), 338, 336(3), 340(2) and 3(5) of the B.N.N.S, 2023.

3. According to prosecution case, during the police patrolling, the informant received information that three persons with one stolen motorcycle are heading to Bari Bazar Naya Tola whey the accused persons saw the police they tried to fled away .

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



present case on the basis of the disclosure made by the apprehended co-accused persons, namely, Ranjan Kumar and Hariom Kumar. He further submits that the petitioner has no concerned with apprehended co-accused persons and except the disclosure made by the co-accused persons, no other material has come during investigation, which suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R 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, the name of the petitioner has been transpired on the basis of disclosure made by the co-accused persons, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikarahana in connection with Dhaka P.S. Case No. 66 of 2025,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other 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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