

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36023 of 2025

Arising Out of PS. Case No.-187 Year-2021 Thana- BIHARIGANJ District- Madhepura

Ashish Kumar S/o Sachendra Yadav @ Sajendra Yadav R/o Village- Balaitha,
P.S.- Basuahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Eashita Raj, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2025 Heard Ms. Eashita Raj, learned counsel for the
petitioner and Ms. Anita Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.09.2024, in connection with Bihariganj P.S. Case No. 187 of 2021, F.I.R. dated 24.08.2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Ramu @ Ramakabal Kumar and nothing has



been recovered from the conscious possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Mitthu Yadav @ Mithilesh Kumar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 10799 of 2022 and another co-accused person namely Ramu @ Ramekbal Kumar @ Ramakabal Kumar whose confession the name of the petitioner has been transpired has also been granted bail by a Coordinate Bench of this Court vide order dated 14.09.2022 passed in Cr. Misc. No. 15329 of 2022, another co-accused person namely Dhatal Rishideo @ Ganesh Rishideo has been granted bail by this Court vide order dated 29.08.2022 passed in Cr. Misc. No. 29752 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.09.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person and apart from that petitioner carries five more cases other than



the present one, out of five cases, the petitioner is on bail in two cases and rest three cases are pending pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person as well as similarly situated co-accused person have been granted bail by this Court, let the petitioner, above named, be released 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 learned Additional Sessions Judge-VIII, Madhepura in connection with Bihariganj P.S. Case No. 187 of 2021, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 antecedents, 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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