

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38548 of 2025

Arising out of PS. Case No.-76 Year-2025 Thana- RAJAPAKAR District- Vaishali

Kamlesh Prasad Sah @ Kamlesh Prasad @ Damdam Sonar S/o Sri Jagdish
Sah R/o Village- Jurawanpur Gopalpur, P.S.- Biddupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner assisted by Mrs. Vaishnavi Singh and Mr. Ritwik Thakur, learned counsels and Md. Iftexhar Mahmood, learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 140(3) of BNS, 2023 in which subsequently Sections 103(1), 238, 1(2) and 3(5) of BNS, 2023 was also added. He has two criminal antecedents, .i.e., Hajipur Sadar P.S. Case No. 94 of 2017 under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code (ii) Bidupur P.S. Case No. 649 of 2023 under Sections 307, 354, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant's son has



proceeded on his vehicle and, thereafter, on the next day he got information that his vehicle was found abandoned and his son was missing. The informant tried to search but he was traceless .

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has transpired in the confessional statement of co-accused namely Kunal Gautam @ Pintu Singh. It is further submitted that even if the confessional statement is taken into account it has been stated that the gold ornaments of the deceased was recovered from the house of the petitioner and on the confessional statement of the co-accused Kunal Gautam @ Pintu Singh that he had sold the chain, gold ring and bracelet of the deceased to the owner of the jewellery shop namely Kamlesh Prasad Sah @ Kamlesh Prasad @ Damdam Sonar (Petitioner). It is also submitted by learned counsel for the petitioner that apart from the said allegation there is nothing against the petitioner as far as the killing of the son of the informant is concerned. It is lastly submitted that the petitioner has two criminal antecedents and he is in custody since 09.03.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned



counsel and taking into account the materials collected during the course of investigation, the petitioner above named, is directed to 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 the concerned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 76 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 crim-



inal 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 de-
layed for purpose of the same or in the name of
verification.

7. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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