

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40465 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- Mathurapur District- Samastipur

Rajiv Yadav @ Rajiv Kumar @ Neeraj, age about 35 years, Male, Son of
Narendra Yadav @ Narayan Yadav, Resident of Village- Kahra Kutti, Ward
No.12, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41860 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- Mathurapur District- Samastipur

Rajnish Kumar @ Jyoti, aged about 21 years, Male, Son of Raj Kumar
Mahto, Resident of Village-Lagunia Raghukanth, P.S.- Samastipur Muffasil,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40465 of 2025)

For the Petitioner/s : Mr. Mukesh Kumar No. 1 Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 41860 of 2025)

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Mathurapur P.S. Case No. 02 of 2025 instituted for the offences
punishable under Sections 310 (2) of the B.N.S.

3. As per the prosecution case, five unknown persons
entered into the shop of the informant armed with pistol,
committed theft and took away Rs. 65,000/- cash and snatched



golden chain worth Rs. 75,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent have committed no offence and have falsely been implicated in this case. He submits that the name of the petitioners have been transpires in this case only on the basis of confessional statement of co-accused namely, Mithilesh Kumar. He further submits that no recovery has been made from the conscious possession of the petitioners. He next submits that petitioners have not put on Test Identification Parade till date. Petitioners are in custody since 17.04.2025 and 22.02.2025 respectively.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned Principal District and Sessions Judge, Samastipur dated 17.05.2025, it appears that on the basis of written report of the informant Summit Kumar, FIR has been registered under Sections 310 (2) of the B.N.S. against five unknown persons. During investigation one co-accused namely Mithilesh Kumar, who was arrested by the police confessed his guilt and disclosed the name of the petitioners namely Rajiv Yadav @ Rajiv Kumar @ Neeraj and Rajnish Kumar @ Jyoti. It also appears that investigation has already been concluded and



chargesheet has been submitted against both the petitioners as stated by learned counsel for the petitioners but till date no Test Identification Parade has been conducted and no recovery has been made from the conscious possession of the petitioners, so considering all these aspects of the case and submissions of learned counsel for the parties, I am inclined to grant bail to the petitioners.

7. Accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Samastipur /J.M.-1st Class, Samastipur / Concerned Court in connection with Mathurapur P.S. Case No. 02 of 2025, subject to the condition that petitioners shall remain physically present on each and every date before the learned Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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