

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38550 of 2025

Arising out of PS. Case No.-60 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

Niraj Kumar S/o Suresh Rai @ Suresh Ray R/o Village- Bankat Bairiya, P.S.-
Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41133 of 2025

Arising out of PS. Case No.-60 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

Dheeraj Kumar S/o Rambhawan Paswan @ Rambhuvan Paswan Resident of
village -Surajpur , Paswan Toli, Suryupur, P.S.- Pipra Kothi, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 38550 of 2025)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP
(In CRIMINAL MISCELLANEOUS No. 41133 of 2025)
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Muffasil P.S. Case No. 60 of 2025 registered for the offences
under Section 309(4) of the BNS.



3. The prosecution case is to the effect that the informant while returning to his home was intercepted by a bolero car with two persons seated and which hit the back of the informant's bike and on the point of pistol the mobile phone of the informant and his friend's mobile and Rs. 2,000/- cash was snatched away by the unknown miscreants and subsequently they fled away.

4. Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R., and no incriminating article is said to have been recovered from the conscious possession of the petitioners. It is further submitted by learned counsel for the petitioners that charge-sheet has already been submitted. It is also submitted by learned counsel for the petitioners that no Test Identification Parade (TIP) has been done. It is next submitted by learned counsel for the petitioners that co-accused person namely Amit Kumar has been granted bail by this Court *vide* order dated 22.05.2025 passed in Cr. Misc. No. 32086 of 2025. It is lastly submitted that the petitioners are in custody since 28.02.2025 and 15.02.2025 respectively.

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



6. Considering the aforesaid submissions made by learned counsels for the parties and taking into account that no incriminating article has been recovered from the conscious physical possession of the petitioners and also the fact that the charge-sheet has already been submitted, 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 learned C.J.M., East Champaran, Motihari, in connection with Muffasil P.S. Case No. 60 of 2025, subject to the following conditions:-

a. One of the bailors of the petitioners shall be their close relative.

b. The petitioners shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution finds the involvement of the petitioners in similar nature of offence, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.



d. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

e. If the petitioners are found involved in a similar nature of offence, the prosecution shall be at liberty to move the lower court for cancellation of bail.

7. In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, East Champaran within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned



and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

8. 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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