

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42554 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- NAUBATPUR District- Patna

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Mahesh Kumar S/o Raj Balbh Ram R/o Village- Dangra Ahar, P.S.- Arwal,
Distt-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in a case registered for the offence punishable under Section 310(2) of B.N.S and Sections 238 and 61(2) of B.N.S., 2023 is subsequently added after investigation.

3. As per the prosecution case, the informant has alleged that six miscreants came at the brick kiln and disclosed themselves to be men of party and they took away the tractor and trailor and thereafter also took away the diesel from a Hyva, J.C.B. and looted other items and fled away.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name has surfaced on the basis of self-confessional statement of the petitioner.



Learned counsel further submits that no incriminating article has been recovered from the conscious possession of the petitioner and he has no concern whatsoever with the said incident. Learned counsel further submits that till date no T.I.P. has been conducted. It is lastly submitted that the petitioner has clean antecedent and is in custody since 28.01.2025. It is also submitted that co-accused, namely, Bipin Kumar has already been granted bail by a Co-ordinate Bench of this Hon'ble vide order dated 02.06.2025, passed in Cr. Misc. No. 31280 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that they were found involved in the incident of loot.

6. Considering the aforesaid facts and circumstances of the case and taking into account that nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, 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 court below where the case is pending/successor court in connection with Naubatpur P.S. Case No. 39 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his



close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(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 cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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