

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45461 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- BANMANKHI District- Purnia

Kundan Kumar S/o Pramod Sah R/o Village- Pipra, Ward No. 4, P.S.-
Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Banmakhi
P.S. Case No. 88 of 2025 instituted for the offences under
Sections 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that the informant, an e-
rickshaw driver, was robbed by three unknown persons who
stopped him on the way, assaulted him, tied him to a tree, and
fled away with his cash, mobile phone and the e-rickshaw.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of confessional statement of



co-accused Prabhash Kumar. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner was not identified in TI parade. Learned counsel further submitted that petitioner has got no concern with the looted articles. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.03.2025 and has no criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 30-07-2025, passed in Cr. Misc. No. 46625 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banmakhi P.S. Case No. 88 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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