

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48521 of 2025

Arising Out of PS. Case No.-28 Year-2020 Thana- CHANPATIA District- West Champaran

Kundan Pandey S/o Gaurishankar Pandey R/o Village- Lakhaura Dubaliya,
P.S.- Kumarbagh, District- West Champaran at Bettiah Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Chanpatia P.S. Case No. 28 of 2020 dated 20.01.2020, instituted for the offence punishable under Sections 395 of the Indian Penal Code.

3. As per the prosecution case, six accused persons on three motorcycles on the point of arms are said to have dispossessed the informant of his motorcycle, mobile phone and Rs. 10,000/- in cash.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against unknown persons. Petitioner has been made accused in this case only on the basis of his self confessional statement. Nothing has been recovered either from the conscious possession or from the



house of the petitioner. It is next submitted that only on the basis of criminal antecedents, prayer of the petitioner for bail has been rejected by the learned court below. It is further stated that co-accused Abhyas Singh from whose possession stolen mobile was recovered has been granted bail vide order dated 20.04.2022 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 54128 of 2021. Learned counsel further submitted that similarly situated co-accused person namely, Ayush Pandey has also been granted bail *vide* order dated 13.05.2025 passed by a Co-ordinate Bench of this court in Criminal Miscellaneous No. 11111 of 2025. Lastly, it has been submitted that the petitioner is in custody since 21.09.2024, he has ten criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge 10th West Champaran at Bettiah in Chanpatia



P.S. Case No. 28 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the framing of charge.

(Khatim Reza, J)

Sankalp/-

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