

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46486 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- BALIGAON District- Vaishali

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Kubodh Kumar @ Kumod Kumar S/O Sunil Kumar Singh Resident of
Village- Kothiya, P.S.- N.H. Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Baligaon P.S. Case No. 40 of 2025 instituted for the offences
under Sections 334(1) and 303(2) of the Bhartiya Nyaha
Sanhita, 2023.

3. As per prosecution case, there is an allegation of
theft in night in the shop of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the suspicion. He further submits that nothing
incriminating has been recovered from the conscious possession



of the petitioner. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that there is delay of three days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has no concern with the recovered mobile. The petitioner has two criminal antecedents and is languishing in judicial custody since 27.03.2025 without any rhymes or reason. Charge-sheet has been submitted in this case. He further submits that the co-accused Vikash Kumar has already been granted bail by this Court vide order dated 14.08.2025 passed in Cr. Misc. No. 52142 of 2025. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has confessed his guilt of being involved in the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 334(1) and 303(2) of the Bhartiya Nyaha Sanhita, 2023.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Baligaon P.S. Case No. 40 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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