

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57604 of 2025**

Arising Out of PS. Case No.-438 Year-2024 Thana- KALYANPUR District- East Champaran

Subhash Rai Son of Sipahi Rai Resident of village- Chak Abdul Gani, Ps-  
Mehsi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.  
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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

ORAL ORDER

3      30-08-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 438 of 2024 instituted for the offences under Sections 127(1), 115(2), 61, 303(2), 318(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the unknown persons tied the informant's hand and feet and assaulted him. The accused persons, thereafter, took Rs. 25,000/- from the pocket of the informant, pushed the informant out of the four-wheeler and ran away with the vehicle. They also took the Samsung mobile 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. He further submits that there is delay of four 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 is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the co-accused Sal Sahab. The petitioner has not been put on Test Identification Parade. He further submits that nothing incriminating/looted article has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The police arrested the petitioner and took his confessional statement under duress. Except confessional statement of the co-accused, there is nothing adverse against the petitioner in the entire record of the case. The petitioner has four criminal antecedents and is languishing in judicial custody since 31.05.2025 without any rhymes or reason.

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 bears four criminal antecedents.

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 Kalyanpur P.S. Case No. 438 of 2024, 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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