

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57914 of 2025

Arising Out of PS. Case No.-727 Year-2019 Thana- KUDHNI District- Muzaffarpur

Deepak Kumar Son of Late Baiju Singh Resident of village - Bajitpur
Kodriya, P.S.- Kudhani (Turki O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 27-08-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kudhani (Turki O.P.) P.S. Case No.727 of 2019 for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

3. According to prosecution case, the informant Kumar Deo Ra of Bajitpur Kodariya, Kudhani, Muzaffarpur, alleged that on 05.11.2019, around 20–25 armed miscreants entered his house around 11:30 PM on 04.11.2019. They first assaulted his elder son, Ram Babu, who was sleeping in a tempo outside, and threatened to kill him if the grill was not opened. The miscreants forcibly entered, looted ornaments and cash worth around ₹3 lakhs, and attempted to attack Ram Babu with



a bomb, which instead damaged a neighbor's vehicle. During the incident, the informant's middle son, Pappu Kumar, fled upon seeing the miscreants. The assailants, aged 20–30 years, some masked and others with open faces, were armed with bamboo sticks and *tangis*, and spoke in a coded local language before fleeing westward.

4. Learned counsel for the petitioner submits the petitioner is innocent and has falsely been implicated in the present case due to village politics. He further submits that his name has surfaced on the basis of suspicion and confessional statement of co-accused and upon search having been made, nothing incriminating has been recovered from the possession of the petitioner as well as from the premises so as to find his complicity in the said offence and further, no offence has been made to fetch other cogent materials to connect this petitioner with the accused. The statements which has been made by co-accused with regard to his complicity in the said offence, can't be found to be *prima facie* correct. The petitioner has two criminal antecedent, in which he is on bail. He further submits that all the persons, who have been named in the F.I.R., have been granted bail by the learned Court below, which is mentioned in paragraph 14 of the anticipatory bail petition.



5. It has next been submitted that according to the F.I.R., all miscreants had opened their face, save and except one and they were all conversing in local language but the prosecution has not taken any effort to get the Test Identification Parade done with regard to the persons who have submitted to the jurisdiction in law; so that the statement of co-accused, who has named this petitioner, can be found to be correct.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Taking into account that all such persons, including the persons at whose confessional statement, the name of the petitioner has surfaced, have been granted bail. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate 3rd West, Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No. 727 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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