

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61047 of 2025**

Arising Out of PS. Case No.-265 Year-2024 Thana- GHORASAHAN District- East
Champaran

Vivek Kumar Son of Ramesh Rai @ Ramesh Ray Resident of village -
Baswariya, P.S.- Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 265 of 2024 instituted for the
offences under Sections 394, 397 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case, in short, is that, three miscreants
boarded on a motorcycle intercepted the informant's brother,
fired upon him which hit him on his knee and stomach and
meantime, fled away snatching a bag from him containing Rs.
3,08,833/-.

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 the co-accused Rupesh Kumar @ Rupesh Yadav and Rahul Kumar. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from other co-accused persons. Learned counsel further submitted that petitioner has got no concern with the looted amount. Learned counsel further submitted that T.I.P. has not been conducted till date. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.06.2024 and has ten criminal antecedents. The co-accused person has already been granted bail by this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 70396 of 2024.

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, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Ghorasahan P.S. Case No. 265 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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