

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61440 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- BANMANKHI District- Purnia

Prabhash Kumar S/o Sushil Sah @ Sushil Rishidev R/O Village- Pipra, Ward
No.- 10, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mrs.Asha Devi, APP

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

ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banmakhi P.S. Case No. 88 of 2025 instituted for the offences
under Sections 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that the informant, a e-
rickshaw driver, was robbed by three unknown persons who
stopped him on the way, assaulted him, tied him to a tree, and
fled away with his cash, mobile phone and the e-rickshaw.

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



co-accused Kundan Kumar recorded before the police which has no evidentiary value in the eye of law. Except confessional statement of the co-accused, there is nothing adverse against the petitioner in the entire record of the case. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner was not identified in T.I. Parade. Learned counsel further submitted that petitioner has got no concern with the looted articles. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.03.2025 and has no criminal antecedent. He further submits that the co-accused Sonu Kumar has already been granted bail by this Court vide order dated 30.07.2025 passed in Cr. Misc. No. 46625 of 2025.

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, clean antecedent 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 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 Banmakhi P.S. Case
No. 88 of 2025.

(Rudra Prakash Mishra, J)

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