

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68628 of 2025

Arising Out of PS. Case No.-14 Year-2022 Thana- BITHAN District- Samastipur

Golu Kumar @ Vivek Kumar, aged about 23 years, Male, Son of Khanoj Yadav @ Sanjeev Yadav @ Sanjeev Kumar Yadav, Resident of Village- Pirahi, P.S. - Alauli, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bithan P.S. Case No. 14 of 2022 instituted for the offences punishable under Sections 392 and 411 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons looted motorcycle, ATM, Mobile phone from the informant and fled away after threatening.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that petitioner is not named in the FIR. He further submits that nothing incriminating articles has been recovered from the conscious possession of the petitioner. He next submits that the occurrence



took place on 15.01.2022 and the FIR has been lodged on 17.01.2022 after a delay of two days and there is no plausible explanation in this regard. He lastly submits that the investigation of this case has already been completed and chargesheet has already been submitted but there is no Test Identification Parade conducted till date. He then submits that during the course of investigation the police has arrested one co-accused and on the basis of confessional statement of arrested co-accused namely Raja Kumar Mukhiya, the petitioner has been implicated in this case. Petitioner is in custody since 22.11.2024.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned District and Additional Sessions Judge-1, Rosera, Samastipur dated 16.07.2025, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant namely Krishna Kumar Pandit, FIR has been registered under Sections 392 and 411 of the Indian Penal Code against three unknown persons. Petitioner has ten criminal antecedent of similar nature and he is in custody since long time and his name has been



surfaced in this case only on the basis of confessional statement of co-accused namely Raja Kumar Mukhiya, so considering all these aspects of the case and submissions of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, class / Successor Court, Rosera, Samastipur in connection with Bithan P.S. Case No. 14 of 2022, subject to the condition that the petitioner shall physically present before the Trial Court on each and every date as fixed by the Trial Court and if he does not appear before the Trial Court on two consecutive dates, the Trial Court shall cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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