

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65986 of 2025

Arising Out of PS. Case No.-120 Year-2024 Thana- SINDHIYA District- Samastipur

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Anish Kumar @ Baudha, aged about 32 years, Male Son of Vimal Poddar,
Resident of Village - Mohanpur, Ward No.- 13, P.S.- Bibhutipur, District -
Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 26-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Singhiya P.S. Case No. 120 of 2024 instituted for the offences
punishable under Section 309(4) of the BNS.

3. As per the prosecution case, four accused persons
on the point of pistol, looted Honda Shine motorcycle bearing
Registration No. BR 01HG-1586 and one Realme Mobile
bearing Registration No. 9102521890 from the informant and
fled away.

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 and the name of the petitioner surfaced in



this case only on the basis of confessional statement of co-accused namely Raju Kumar Ram. He further submits that nothing has been recovered from the conscious possession of the petitioner. He next submits that except the confessional statement nothing has been placed on record to substantiate the allegation He lastly submits that the petitioner has been made scapegoat and no Test Identification Parade has been conducted till date. He again submits that petitioner is remanded in this case from Begusarai Muffasil P.S. case No. 111 of 2025 and in custody since 28.06.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned District and Additional Sessions Judge-I, Rosera, Samastipur dated 13.08.2025, it appears that petitioner is not named in the FIR and from perusal of the records, it appears that on the basis of written report of the informant namely Md. Ajhar, FIR has been registered under Section 309(4) of the BNS and the allegation levelled against the petitioner is that he looted a motorcycle bearing Registration No. BR 01HG-1586 and one Realme Mobile bearing Registration No. 9102521890 from the informant. The name of the petitioner has been surfaced in this case merely only on the basis of confessional statement of co-



accused namely Raju Kumar Ram and not from the petitioner. Investigation has already been concluded and chargesheet has been submitted as stated by learned counsel for the petitioner but no Test Identification Parade has been conducted during investigation, 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, Rosera, Samastipur in connection with Singhiya P.S. Case No. 120 of 2024, subject to the condition that the petitioner shall remain physically present before the trial Court on each and every date fixed by the trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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