

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71236 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- MATIHANI District- Begusarai

Surendra Mahto @ Surendra Kumar @ Sulendra Kumar Son of Mushar Mahto@ Kamdeo Nishad Resident of Simaraiya Ghat, Bind Toli, P.S. - Chakiya, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Matihani P.S. Case No. 66 of 2025 registered for the offences punishable under Sections 309(4)/3(5) of the BNS, 2023 read with Section 27 of the Arms Act.

3. As per prosecution case, four unknown miscreants entered into the jewelery shop of informant and at the point of pistol, they looted silver jewellery worth Rs. 60,000/- and Rs. 5,000/- in cash and fled away from the place of occurrence. It is alleged that faces of all the miscreants were covered with towel (*gamcha*).

4. Learned counsel for the petitioner submits that



petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Bipin Kumar. Except confessional statement of said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No TIP has been conducted up till now. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 07.05.2025 and he bears criminal antecedent of five cases out of which petitioner has got acquitted in four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Raja Kumar @ Raja Nishad has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 56266 of 2025 and the case of present petitioner stands on similar footing. Hence, petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that name of the petitioner has been transpired in this case upon the confessional statement of co-accused Bipin Kumar and, hence, petitioner cannot escape from the allegation made in FIR.



6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by the Co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Matihani P.S. Case No. 66 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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