

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70389 of 2025

Arising Out of PS. Case No.-145 Year-2025 Thana- BHAGWANPUR District- Vaishali

Niraj Kumar S/O Prem Sah @ Prem Kumar Sah R/O Vill.- Chaklasahi, P.S.-
Halai, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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

ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 145 of 2025 instituted for the
offence under Section 309(4) of the Bharatiya Nyaya Sanhita,
2023.

3. As per prosecution case, the informant was robbed
by four miscreants of his motorcycle, a mobile phone, Rs.
65,000/- cash and some documents.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-06-2025. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Niraj Kumar. Nothing has been recovered from the conscious possession of the petitioner. Petitioner was not even put on T.I.P. Save and except confessional statement of co-accused, there is no material against the petitioner. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 15-09-2025, passed in Cr. Misc. No. 65278 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that on the disclosure made by co-accused, there is recovery of motorcycle from the petitioner's possession.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and manner of petitioner's implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Bhagwanpur P.S. Case No. 145 of 2025,
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)

Raj Kishore/-

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