

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71389 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- SABAUR District- Bhagalpur

Mukesh Kumar Son of Goukaran Mandal Resident of Village - Lailakh, P.S. - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

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 Sabour P.S. Case No. 134 of 2025 registered for the offences punishable under Sections 310(2) of the BNS and later added Sections 25(1-b)a, 25/35 of the Arms Act.

3. As per prosecution case, informant along with his friend was returning on a motorcycle and whey they reached the Rajpur Murhan road bridge situated at Ghagha river, six unknown miscreants, who had covered their faces with towel and armed with lathi, danda and country made pistol came there and stopped the informant's motorcycle. It is alleged that at the country made pistol, they snatched mobile, Rs. 4,100/- (in cash) and key of the motorcycle from the informant and his friend.



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 Nitish Kumar, as mentioned in impugned order. 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 incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case due to dirty village politics. Petitioner is in custody since 01.05.2025 and he bears no criminal antecedent. Learned counsel orally submits that 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 Suman Saurav and Bablu Kumar have already been granted bail vide Cr. Misc. No. 55479 of 2025 and co-accused Mithun Kumar has already been granted bail vide Cr. Misc. No. 56691 of 2025 by the Co-ordinate bench of this Court 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 the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Nitish Kumar. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused have already been granted bail by the Co-ordinate Bench of this Court, 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 C.J.M., Bhagalpur in connection with Sabour P.S. Case No. 134 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) The learned trial court shall verify the criminal antecedent of the petitioner as mentioned in para 3 of the bail petition, and in case at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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