

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76706 of 2025

Arising Out of PS. Case No.-211 Year-2025 Thana- BAHERA District- Darbhanga

Sunil Kumar @ Sunil Kumar Bhagat S/o- Shobhanand Bhagat @ Sobhanand
Raut Village- Shivram PS- Bahera District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munna Kumar Upadhyay, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 By means of this bail application, petitioner, who is involved in connection with Bahera P.S. case no. 211 of 2025, registered for the offences punishable under Sections 310(2) of B.N.S, and under Section 27 of the Arms Act seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per the prosecution case in brief, the complainant got a first information report lodged on 14.06.2025 against unknown persons stating inter-alia that, while he was going to Darbhanga in his car, on the way six assailants blocked the road with Scorpio vehicle and surrounded his car from all side, broke the glass of car and snatched his bag in which a sum of Rs. 5,00,000/-, Aadhar Card, Pan Card, Credit Card and Voter Card were kept. The accused assaulted him and fired a bullet.



4. It is argued by learned counsel for the petitioner that petitioner is not named in the FIR. His complicity came into light in the statement of co-accused Amit Kumar and Vikram Kumar in their confessional statement and there is no recovery of any incriminating material from the possession of the petitioner. There is no credible material against the petitioner regarding his involvement in the alleged crime. The petitioner has no criminal history and he is in custody since 24.07.2025. In case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that FIR was lodged against unknown persons, though the name of petitioner came into during investigation on the basis of confessional statement of co-accused but nothing incriminating material has been recovered from the possession of the petitioner. Petitioner is languishing in custody since 24.07.2025. Charge sheet has been submitted. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases and



the manner, in which trial of the petitioner is going on, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 24.07.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious



disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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