

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77231 of 2025**

Arising Out of PS. Case No.-6 Year-2025 Thana- BALIGAON District- Vaishali

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Suman Kumar @ Suman Mahto @ Suman Saurabh S/o Jageshwar Prasad @  
Jogeshwar Mahto @ Jageshwar Mahto Resident of Ward No. 06, R/o village-  
Narhan ,Kailash Pandit Tola, Khadiyahi, Bibhutipur, P.S.- Bibhutipur,  
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.

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

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**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 Baligaon P.S. Case No. 06 of 2025, District- Vaishali, registered for the offences punishable under Sections 309(4) of the Bhartiya Nyaya Sanhita, 2023, 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 prosecution case, in brief, the Informant got the F.I.R. registered against three unknown persons stating inter alia that when he was returning home on his motorcycle, on the way, three unidentified men on black motorcycle over took him from behind. They pulled out the key and hit him. When he fell down, they ran away with his motorcycle.



4. The main substratum of argument of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case. No such incident has taken place as alleged by the prosecution. The petitioner was apprehended in this case on 13.05.2025 but, there is no recovery of motorcycle from the possession of the petitioner and even no Test Identification Parade was conducted by the prosecution to identify him. The petitioner, has criminal history of eight cases and in all the cases, he is on bail. It is also pointed out that in the all eight cases, the petitioner was not named in the F.I.R. and was made accused in course of investigation. Lastly, it is submitted that in case the petitioner is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for bail but does not dispute the fact that there is no recovery of any incriminating material from the possession of the petitioner.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that the investigation has been completed and charge-sheet has also been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, 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 entering into 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 13.05.2025 has made out a prima facie case for bail.

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

9. Let the petitioner, above named, be released on bail in the aforesaid 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 court concerned 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)**

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