

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77197 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- MANSURCHAK District- Begusarai

Raju Kumar S/o- Pramod Kumar Mahto Village- Damodarpur PS-Bibhutipur
Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Mansurchak P.S. Case No. 106 of 2024 registered for the offences punishable under Sections 309(6) of the BNS 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-Prosecution case in brief is that it is alleged that on 11.10.2024 at about 06:15 P.M., the informant was riding his Splendor plus motorcycle bearing No. BR09G 0272 with his wife from her in-laws place in Shivnathpur towards his residence. On the way, four accused on two motorcycles intercepted him and attacked him from behind with a weapon causing head injury whereby he fell down and thereafter extending threat to his wife, they snatched his motorcycle, two mobile phones, *Mangal*



sutra, rupees ten thousand and fled away from the said place.

4-It is argued by learned counsel for the petitioner, that on the basis of information given by the informer, the police apprehended one Sajan Kumar and thereafter complicity of petitioner came into light in the confessional statement of co-accused Sajan Kumar, which is not admissible in evidence. Much emphasis has been given by contending that nothing has been recovered from the possession or at the instance of the petitioner. Even no Test Identification Parade has been conducted by the prosecution to identify the petitioner. As per disclosure made in paragraph No. 3 of the bail petition, the petitioner has criminal history of two cases in which he is on bail. Lastly, it is submitted that petitioner is languishing in jail since 30.04.2025 and 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 nothing has been recovered from the possession of the petitioner. Investigation has been completed and charge-



sheet has 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 30.04.2025 has made out a *prima facie* case for bail.

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

9-Let the petitioner- Raju Kumar, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 10,000/- and two sureties each in the like amount 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)

Saif/-

U		T	
---	--	---	--

