

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87639 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- UJIYARPUR District- Samastipur

Birbal Kumar S/O Sukhdeo Mahto R/O Village- Alampur Simiri, ward No. 13, P.S.- Vidyapatnagar, District- Samastipur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 26-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered for the offences punishable under Sections 392 and 411 of the I.P.C.

3. As per the prosecution case, some unknown miscreants are alleged to have committed loot in the C.S.P. Centre of the informant and on the point of pistol they took away cash of Rs. 10,000/- and important documents. It is further alleged that with the help of villagers one of the miscreants was caught who disclosed his name as Gopal Kumar Choudhary. On query, the apprehended person further disclosed the name of his accomplice as Akshat Choudhary and Birbal Kumar (Petitioner).

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further stated that the name of the petitioner has surfaced on the confessional statement of the apprehended co-



accused person. It is next submitted that no specific allegation has been made against the petitioner and no incriminating article has been recovered from his possession. It is lastly submitted that the petitioner has seven criminal antecedents and is in custody since 15.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail and stated that the name of the petitioner was disclosed by the apprehended co-accused person which shows the participation of the petitioner in the said incident and he carries seven criminal antecedents of similar nature of offence, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur in connection with Ujiarpur P.S. Case No. 409 of 2023, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the



bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Samastipur within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. The application stands allowed.

(Sourendra Pandey, J)

Jyoti/-

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

