

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87754 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Birbal Kumar S/O Sukhdeo Mahto R/O Village- Alampur Simiri, Ward No. 13, P.S- Vidyapatinagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 22-04-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Dalasingsarai P.S. Case No. 407/2023 registered for the offences under Section 392 of the Indian Penal Code.

3. The prosecution story in short is that while the informant who runs a jewellery shop was on his way back after closing his shop, two persons riding a motorcycle chased him and overtook his motorcycle and thereafter, snatched away 250 gm of silver and cash worth Rs. 8000/- and some other items.

4. Learned counsel for the petitioner submits that the case was registered against unknown persons and the



petitioner is not named in the FIR and his name has surfaced in confessional statement of co-accused namely, Gopal Kumar Choudhary. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the co-accused namely, Gopal Kumar Choudhary has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 82828/2024. He lastly submits that the petitioner has seven criminal antecedents and he is in custody since 15.02.2024.

5. Learned counsel for the State opposes the prayer for bail of the petitioner stating that the petitioner carries criminal antecedent and hence, does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that similarly situated co-accused person has already been granted bail by a Co-ordinate Bench of this Court, let the petitioner above named be enlarged 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 the learned Additional Sessions Judge, Dalsingsarai, District-Samastipur in connection with Dalasingsarai P.S. Case No. 407/2023 subject to the conditions that:

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. The petitioner should refrain in interaction with the victim girl or the prosecution side.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Sourendra Pandey, J)

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