

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3846 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- BHELDI District- Saran

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Kunal Kumar son of Tarkeshwar Manjhi Village -Kaithal Dholahi PS
-Amnour Dist -Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bheldi P.S. Case No. 106 of 2024, registered
for the offence punishable under Section 394 of the Indian Penal
Code.

3. While the informant was returning to his house
after celebrating birthday party, in the meanwhile, he was
intercepted by five miscreants. Allegedly, one of the miscreants
assaulted the informant by means of *lathi* and others succeeded
in fleeing away, after taking his mobile and snatching
motorcycle.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants.



However, during the course of investigation, the name of the petitioner has been surfaced on the confessional statement of co-accused Dhiraj Kumar. On the basis of said confessional statement, the police apprehended the petitioner and from his possession, one looted mobile phone was recovered. Learned Advocate for the petitioner contended that in fact the mobile, in question, which is said to be a looted property, was purchased by the petitioner and the same is being used in the name of Nibha Kumari, sister of the petitioner. The petitioner was not knowing this fact that the mobile, in question, is subject matter of the crime. Moreover, neither the petitioner has been put on Test Identification Parade nor the mobile, in question. Co-accused Arun Ram, whose name also surfaced on the confessional statement of co-accused persons has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 48676 of 2024 vide order dated 18.09.2024. The petitioner has been incarcerated since 06.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the recovery of a looted mobile, the petitioner also bears one criminal antecedent.

6. Regard being had to the submissions made on



behalf of the parties and considering the period of custody and the fact that, till date, the petitioner has not been put on Test Identification Parade, though the charge-sheet has been submitted, let the petitioner, named above, be released 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 Additional Sessions Judge XIV, Saran at Chapra in connection with Bheldi P.S. Case No. 106 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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