

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11292 of 2026

Arising Out of PS. Case No.-327 Year-2025 Thana- Kavaiya District- Lakhisarai

Sumit Kumar @ Sumit Kumar Modi Son of Umesh Modi R/o Vill. -
Kenduadih, P.S. - Kenduadih, District - Dhanbad State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Anand, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2026 Heard Mr. Shailesh Anand, learned counsel for the
petitioner and Mr. Ram Naresh Ray, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 04.09.2025 in connection with Kavaiya P.S. Case No. 327 of 2025, FIR dated 27.08.2025 for the offences punishable under Sections 140(3) and later on added Sections 103(1) and 238 of BNS and later on chargesheet has been submitted under Sections 103(1) and 238 of BNS, 2023.

3. The prosecution story, in brief, is that the son of informant namely Sikander Kumar has not returned home since 25-08-2025. It is next alleged that when they tried to reach his mobile number which is 7632843079, is also switched off as such the informant is frightened that some mishap has taken place with his son.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of C.C.T.V. Footage and on the basis of the C.C.T.V. Footage , some accused persons have been identified by the prosecution. Thereafter they have confessed their guilt in the present case and they have disclosed the name of the petitioner. Thereafter, the petitioner has also confessed his involvement in the present occurrence and except the aforesaid, nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Even on one has seen the occurrence and for the same set of allegation, co-accused persons, namely, Raju Kumar, Mohit Kumar @ Mohit Thakur, Satish Kumar, Anup Kumar and Rahul Kumar @ Golu @ Rahul Kumar Modi, who has disclosed the name of the petitioner, all have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 19.03.2026,01.04.2026 and 02.04.2026 passed in Cr. Misc. Nos. 4636/2026,1543/2026, 2773/2026,20114/2026 and 10069/2026 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2025.



5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during but fairly submits that several co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court.

6. Considering the aforesaid fact, petitioner has clean antecedent, petitioner is not named in the FIR, name of the petitioner has been transpired during investigation and several co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai or its Successor Court in connection with Kabaiya P.S. Case No. 327 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(III) And, further condition that 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 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.

(Rajesh Kumar Verma, J)

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