

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7979 of 2026

Arising Out of PS. Case No.-387 Year-2025 Thana- BAHADURPUR District- Darbhanga

Mahadev Kumar @ Mahadev Mallik Son of Kailash Mallik R/o Vill. -
Dilwarpur, P.O. - Milkichak, P.S. - Bahadurpur, Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-03-2026 Heard Mr.Manish Kumik, learned counsel for the
petitioner and Mr.Tapeshwar Sharma, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
11.08.2025 in connection with Bahadurpur Case No. 387 of
2025, F.I.R. dated 09.08.2025 registered for the offence
punishable under Section 309(4) of BNS.

3. The FIR of the occurrence of loot is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner
has not committed any offence as alleged in the FIR. In fact the
petitioner was not named in the FIR. The name of the petitioner



has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Sugand Paswan except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Learned counsel for the petitioner submits that the petitioner has also confessed his guilt in the present occurrence and thereafter the alleged looted mobile has been recovered from the house of Dr. Heera Yadav. Learned counsel for the petitioner submits that from a bare perusal of the FIR it transpires that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of Dr. Heera Yadav and petitioner has no concern at all with the alleged recovery of looted articles and co-accused person, namely, Krishna Kumar Das @ Makku Das, against whom the similar allegation, has been granted bail by this Court vide order dated 22.01.2026 passed in Cr. Misc. No.87923 of 2025 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.08.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean



antecedent, petitioner is not named in the FIR, name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person and co-accused person, namely, Krishna Kumar Das @ Makku Das, against whom the similar allegation, has been granted bail by this 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 A.C.J.M.-IX, Darbhanga in connection with Bahadurpur Case No. 387 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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