

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32755 of 2026

Arising Out of PS. Case No.-85 Year-2026 Thana- LAHERIMUHALLA District- Nalanda

Kapil Kumar S/o Dharmendra Kumar Resident of Village- Dariyapur, P.S.-
Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anjana, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Ms.Anjana, learned counsel for the petitioner
and Mr.Md. Ataur Rahman, learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
08.03.2026 in connection with Laheri P.S. Case No. 85 of 2026,
F.I.R. dated 26.02.2026 registered for the offence punishable
under Sections 305(a), 317(2), 317(4), 317(5), 331(4) of the
BNS.

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

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent. Petitioner is 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, and altogether 20 grams of melted gold has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the same is not the gold which was the subject matter of the present case and petitioner has been made accused in the present case merely on the basis of confessional statement of the co-accused person as well as on the basis of suspicion and except the confessional statement of the co-accused person as well as on the basis of suspicion, nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 08.03.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, petitioner is 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 as well as on the basis of suspicion, 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 C.J.M., Nalanda at Biharsarif in connection with Laheri P.S. Case No. 85 of 2026, 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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