IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60736 of 2026

CNR No. BRHC010847262026

Arising Out of PS. Case No.-657 Year-2025 Thana- BASANTPUR District- Siwan

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Krishna Kumar Sah @ Krishna Kumar Son of Manager Sah @ Manejar Sah Resident of Village- Bhalua, P.S.- Barhariya, Distt.- Siwan

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Kumari Anupam, Adv.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

5 06-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Basantpur P.S. Case No. 657 of 2025, registered for the offences punishable under Sections 309(4) and 111 of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, four miscreants entered into the jewellery shop of the informant and at gunpoint looted a number of gold and silver ornaments and also took away Rs. 1,25,000/- cash from the shop. The name of the petitioner transpired during investigation for being involved in the said robbery.

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4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case due to village politics and police high-handedness. It is further submitted that the FIR was registered against unknown persons. The petitioner was subsequently remanded in the present case from Basantpur P.S. Case No. 693 of 2025. It is further submitted that the petitioner is neither named in the FIR nor he was present at the place of occurrence. His implication in the present case is based solely upon his alleged confessional statement made before the police, which is inadmissible in evidence and, has no evidentiary value in the eyes of law. Neither any incriminating article has been recovered from his possession nor there is any evidence of any independent witness connecting him with the alleged occurrence. It is also submitted that no Test Identification Parade (TIP) was conducted by the Investigating Officer. Learned counsel has further submitted that as per the alleged confessional statements of the petitioner and the other accused persons, the petitioner is said to have played the role of a 'liner' by keeping vigil over the movements of the accused persons as well as at the informant's jewellery shop and communicating relevant

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information to the other accused persons to facilitate the commission of the alleged offence. It is further submitted that no looted articles or money have been recovered from the conscious possession of the petitioner. Although there is an allegation that the looted amount was subsequently distributed amongst the accused persons, no article or money whatsoever has been recovered from the petitioner. It is further submitted that the petitioner is a student and, has been implicated in three other criminal cases. He has been in judicial custody since 30.01.2026. Learned counsel has also placed reliance upon the order dated 29.09.2026 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 61373 of 2026, whereby the co-accused namely, Manoj Chourasiya @ Manoj Kumar Chaurasiya from whose house, the looted articles were allegedly kept for distribution, has already been granted bail. Learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, learned APP for the State has opposed the prayer for bail but has fairly conceded that there is no direct allegation against the petitioner and that, no incriminating article has been recovered from his conscious

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possession.

6. Taking into consideration the entire facts and circumstances of the case, coupled with the fact that the name of the petitioner transpired in the present case on the basis of his own confessional statement and no incriminating article has been recovered from his conscious possession, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ADJ-II/concerned Court, Siwan in connection with Basantpur P.S. Case No. 657 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is

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found involved in any case other than the three cases as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The case mentioned in paragraph no. 3 of the main bail petition is as follows:-

(a) Manjhagadh P.S. Case No. 156 of 2020.

(b) Basantpur P.S. Case No. 693 of 2025.

(c) Basantpur P.S. Case No. 410 of 2021.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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