IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77502 of 2026

CNR No. BRHC011087182026

Arising Out of PS. Case No.-509 Year-2025 Thana- BIBHUTIPUR District- Samastipur

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Sachin Kumar, Son of Ram Bilash Mahto, Resident Of Village - Bhuswar, Ward No. 02, P.S.- Bibhutipur, District- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Bibutipur P.S. Case No. 509 of 2025 registered for the offences punishable under Sections 309(6) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959 and after investigation police submitted charge-sheet under Sections 309(6) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959.

3. As per the FIR, the petitioner, along with other accused persons, is said to have intercepted the informant and snatched away Rs.46,000/- from the informant and after committing the robbery, they fled on the motorcycle.

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4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he was apprehended in another case being Bibhutipur P.S. Case No.510 of 2025 and has been forced to confess his involvement in the present case. It has further been submitted that the statement made under confession is not admissible in the law specific to the fact that the confessional statements of the other co-accused implicating the petitioner to have fired upon the informant are exculpatory statements. It has next been submitted that the petitioner has one case against his name, which is Bibhutipur P.S. Case No.510 of 2025, which was lodged one day after the present case was lodged. The learned counsel for the petitioner further pointed out that despite the specific averments made by the informant that he could recognize the persons involved in the incident till date no test identification parade has been conducted and moreover, the police have already submitted charge-sheet in the case. It has lastly been submitted that the petitioner is in custody since 05.01.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the

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parties and taking account of the fact that no incriminating article has been recovered from the possession of the petitioner and till date no test identification parade has been conducted in order to ascertain the identity of the petitioner as also his period of custody, 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 the learned court below where the case is pending/successor court in connection with Bibutipur P.S. Case No. 509 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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-

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mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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