

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91444 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- SHIVAJINAGAR District- Samastipur

1. Modi Kumar @ Modi S/o Hirki Mandal R/o Village- Rajaur Dumra Moin, Ram Bhadarpur, P.S - Sivajee Nagar, District - Samastipur
2. Praveen Mandal S/o Suchai Mandal R/o Village- Rajaur Dumra Moin, Ram Bhadarpur, P.S - Sivajee Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2026 Heard Mr. Choudhary Shyam Nandan, learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the bail application on behalf of the petitioner no. 2, namely, Pravin Mandal.

3. Permission is accorded.

4. Accordingly, the bail application on behalf of petitioner no. 2, namely, Pravin Mandal, is dismissed as withdrawn with liberty to file a fresh application.

5. Office is directed to handover the certified copy of the impugned order as well as certified copy of the FIR to the



learned counsel for the petitioners.

6. Now this application survives only for petitioner no. 1, namely, Modi Kumar @ Modi.

7. The petitioner seeks bail, who is in custody since 04.09.2025 in connection with Shivajinagar P.S. Case No. 59 of 2025, F.I.R. dated 03.09.2025 for the offences punishable under Sections 331(4), 305, 3(5) of the B.N.S.

8. According to prosecution case, petitioner and other co-accused persons are alleged to have committed theft in the house of the informant and many articles including Rs. 40,000/- cash was looted.

9. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of confessional statement of apprehended co-accused person, namely, Ritik Raushan. Nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. The Police after investigation, submitted chargesheet against the petitioner and



the petitioner is in custody since 04.09.2025.

10. Learned APP has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the pending matters.

11. Considering the aforesaid facts and circumstances and also the fact that the name of petitioner has been transpired on the basis of confessional statement of co-accused, namely, Ritik Raushan and nothing has been recovered from the conscious possession of this petitioner, 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 A.C.J.M., 1st, Rosera, Samastipur, in connection with Shivajinagar P.S. Case No. 59 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 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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