

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86785 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- JALALGARH District- Purnia

Rohit Sah @ Rohit Kumar Sah Son of Dilip Sah @ Dilip Kumar Sah Resident
of village- Mukhtar Chowk Malhariya, PS -Mahalgaon District- Araria
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Md Fazle Karim, learned counsel for the

petitioner and Mr. Jagdhar Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jalalgarh P.S. Case No. 154 of 2025, F.I.R. dated 27.07.2025 for the offences punishable under Sections 309(4) of the BNS and later on Section 317(2) of BNS was added.

3. As per the First Information Report, the informant alleged that on 26.07.2025 at around 7:10 PM four unknown persons on two bike armed with weapons came and looted his laptop, two mobiles, cash of Rs.12,000/- and purse.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Initially the petitioner was not named in the FIR



and his name transpired on the basis of confessional statement of minor co-accused person, namely, Badal Kumar and except the confessional statement of co-accused person, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of paragraph-3 of the bail petitioner it appears that the petitioner is involved in the present crime in question and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said pending matters.

6. Considering the aforesaid facts and circumstances, petitioner is not named in the FIR and his name transpired on the basis of confessional statement of minor co-accused person, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 C.J.M., Purnea in connection with Jalalgarh P.S. Case No. 154



of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 absence on two consecutive dates without sufficient reason, his 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 bond 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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