

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90568 of 2025

Arising Out of PS. Case No.-32 Year-2002 Thana- CHIRAIYA District- East Champaran

Kamlesh Pathak @ Praduman Pathak Son of Late Mahendra Pathak Resident
of Village - Parewa, P.S. - Sikarganj, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Chiraiya P.S. Case No.32 of 2002 registered for the
offence punishable under Section 396 of the Indian Penal
Code.

3. The accused/petitioner is not named in the FIR
and is in custody since 25.08.2025.

4. Allegation against the petitioner is to commit
dacoity on intervening night of 18th/19th March, 2002 and
while doing so, committed murder of one Md. Haffiz Mian.

5. It is submitted by learned counsel appearing for



petitioner that the name of petitioner transpired during the course of investigation on the basis of confessional statement of co-accused Ram Ballabh Sahni, who was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.26472 of 2003. It is submitted that in furtherance of confessional statement of co-accused, nothing incriminating surfaced/recovered as to connect the petitioner *prima facie* with present occurrence of dacoity and murder.

6. Explaining criminal antecedent of the petitioner, it is submitted by learned counsel that petitioner found involved in one more criminal case, in which he is on bail.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement nothing *prima facie* appears incriminating against the petitioner, coupled with the fact that petitioner remains in custody since 25.08.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sikrahana, Dhaka, East Champaran, Motihari, in connection with Chiraiya P.S. Case No.32 of 2002, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J)

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