

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5798 of 2026

Arising Out of PS. Case No.-346 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Rahul Kumar Son of Binod Mahto R/O Village- Gangauli, PS- Bibhutipur,
Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2026 Heard Mr.Md. Hussamuddin Azad, learned counsel
for the petitioner and Mr.Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
10.02.2025 in connection with Bibhutipur P.S. Case No. 346 of
2024, F.I.R. dated 11.10.2024 registered for the offence
punishable under Section 309(4) of BNS.

3. The FIR of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. The FIR has been instituted
against unknown persons. The name of the petitioner has been
transpired during investigation on the basis of suspicion as well
as confessional statement of co-accused person, namely, Sajan



Kumar and nothing has been recovered from the house of the petitioner and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.02.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one, out of five cases, the petitioner is on bail in one case and rest four cases are pending for consideration before the competent court of law, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts as well as the 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 learned SDJM, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 346 of 2024, 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 his/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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