

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91479 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- KALYANPUR District- Samastipur

Rakesh Kumar S/o Haridwar Prasad R/o village - Naranga , Police Station -
Kalyanpur , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-01-2026 Heard Mr. Mahendra Pratap, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in paragraph nos. 1 and 6 of the bail
petition in course of the day.

3. The petitioner seeks bail, who is in custody since
19.09.2025 in connection with Kalyanpur P.S. Case No. 290 of
2025, F.I.R. dated 23.08.2025 for the offences punishable under
Sections 334(2), 303(2) of the B.N.S.

4. According to prosecution case, petitioner and other
miscreants have committed theft upon the shop of the informant
and looted Rs. 3, 12,002/- and grocery items from his shop.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case on the basis of disclosure made by apprehended co-accused person, namely, Md. Kalam. No recovery has been made from the possession of the petitioner rather the said recovery is made from the shop of co-accused Avinash Kumar. The police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.09.2025.

6. Learned APP for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two 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 the pending matters.

7. Considering the aforesaid facts and circumstances, petitioner name has transpired on the basis of disclosure made by co-accused persons, 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 Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 290 of 2025, with the 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 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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