

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65697 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- Tilakeshwar District- Darbhanga

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1. Karan Chaudhary son of Manidev Choudhary @ Mani Chaudhary Village- Chanan, P.S.- Salkhua, District- Saharsa.
 2. Sandeep Choudhary son of Sakaldev choudhary Village- Kanariya, P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Tilakeshwar P.S. Case No. 05 of 2024, instituted for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, motorcycle of the informant which was parked in front of his house was stolen away by some unknown miscreants.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No



incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that there is delay of two days in lodging the FIR. It is alleged that the stolen motorcycle was recovered from the possession of petitioner no. 1, but the motorcycle was found on the road and petitioner no. 1 was a passerby of that place and on the basis of suspicion he was arrested by the police. It is next submitted that petitioner no. 2 is not named in the FIR. Name of petitioner no. 2 has transpired in this case on the basis of confessional statement made by petitioner no. 1 and the same has got no evidentiary value. No stolen article has been recovered from the possession of petitioner no. 2. Petitioner No. 1 is in custody since 02.04.2024 and petitioner no. 2 is in custody since 04.04.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 21.10.2024 passed in Cr. Misc. No. 71436 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioners and claim based on parity, this Court is



inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tilkeshwar P.S. Case No. 05 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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