

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1213 of 2025

Arising Out of PS. Case No.-251 Year-2024 Thana- MANIHARI District- Katihar

Chandan Yadav @ Chandan Kumar Son of Surendra Yadav Resident of
Mirjapur Baghar, P.S.- Manihari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Manihari P.S. Case No. 251 of 2024 registered for the
offences punishable under Sections 317(4), 336(2) and
338 of B.N.S.

3. The petitioner is named in the F.I.R. and is in
custody since 07.10.2024.

4. The allegation against petitioner is to have in
possession of two stolen motorcycle, which as per FIR
recovered from his house.

5. Learned counsel appearing on behalf of the
petitioner submitted that as per FIR itself, the petitioner



was not available at his house at the time of raid rather his father was present but he was not made witness of alleged recovery. It is submitted that the fact of this case suggest that house in issue, from where alleged stolen motorcycle was recovered was occupied by different adult members of the family and, therefore, it cannot be said that recovery of stolen motorcycle was made from conscious physical possession of this petitioner. It is pointed out that compliance of Section 103(4) of BNSS/ 100(4) of Cr.P.C. not appears followed in present case, which is otherwise mandatory legal provision before entering into search of the premises/house, which makes the entire recovery doubtful. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of stolen motorcycle appears *prima-facie* doubtful from conscious physical



possession of this petitioner, who is a man of clean antecedent, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 07.10.2024, accordingly petitioner above named, is directed to be released on bail in connection with Manihari P.S. Case No. 251 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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