

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1379 of 2025

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

Chandan Kumar Yadav @ Chipa Yadav @ Chandan Kumar S/O- Birendra
Yadav Village- Mirjapur Badhar Mara Line Ps- Manihari Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Suman Kumari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest 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. according old Act Section 313, 465 and 338 of the IPC.

3. The allegation against petitioner is to have in possession on one stolen motorcycle, which as per FIR recovered from his house.

4. It is submitted by learned counsel appearing on behalf of the petitioner 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 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 who was not even present at the time of raid. It is pointed out that compliance of Section 103(4) of BNSS/ 100(4) of Cr.P.C. not appears followed which is otherwise mandatory provision regarding search of the premises, therefore, entire recovery process appears doubtful. While concluding arguments, it is submitted that petitioner is a man of clean antecedents.

5. Learned APP, opposes the prayer of bail.



6. In view of aforesaid factual submission and as recovery of stolen motorcycle as per face of FIR creates a doubt to be recovered from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 C.J.M. Katihar/concerned Court, where the case is pending in connection with Manihari P.S. Case No. 251 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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