

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5277 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- BATHNAHA District- Sitamarhi

Sanjay Nat S/o Late Yogi Nat R/o vill - Chhawani, P.S. - Manuabul, Distt.-
West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 313 of 2024 instituted for the
offences under Sections 310(2), 311, 109 of the B.N.S.,
2023.

3. As per prosecution case, the accusation against
the unknown miscreants is of entering into the house of the
informant, assaulting him with an axe as also looting money
and jewellery from his house.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. as the same has been instituted against unknown. The Informant in his re-statement has not taken the name of the petitioner but, his name has transpired in this case in course of investigation on the basis of the confessional statement of the co-accused namely Idris Nut (Para-43 of the case diary) recorded before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating/looted article has been recovered from the conscious possession of the petitioner or from his house. The petitioner has not been put on Test Identification Parade till date. In course of investigation, nothing adverse has come against the petitioner to show his complicity in the alleged occurrence and, except suspicion, there is nothing against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State



has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused of being involved in the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 310(2)/311/109 of the B.N.S.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bathnaha P.S. Case No. 313 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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