

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11810 of 2025

Arising Out of PS. Case No.-235 Year-2024 Thana- PARSABAZAR District- Patna

1. Biran Nut @ Began Nut @ Biral Khalifa S/O Late Mithaiyee Nat R/O Vill.- Chitkahora Pul ke Niche(Hasanpur) Beur Husan, P.S.- Sachiwaley, Dist.- Patna
2. Ashok Sharma @ Ashok Kumar Sharma S/O Parshuram Sharma R/O Vill.- Bakdiya, P.S.- Panapur, Dist.- Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 16-05-2025 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Parsa Bazar P.S. Case No. 235 of 2024, instituted for the offences punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is that, 8-10 armed miscreants broke into the house of the informant at night, looted cash and jewellery, and threatened her family.

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 the petitioners are not named in the FIR. Name of the petitioners have transpired in this case on the basis of confessional statement made by co-accused, namely, Firoz Nut and the same has got no evidentiary value. It is next submitted that neither any looted article has been recovered from the possession of the petitioners nor any T.I. parade has been conducted in this case. The petitioners are in custody since 13.09.2024 and have got one criminal antecedent in which they are on bail. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 08.05.2025 passed in Cr. Misc. No. 7488 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that name of the petitioners have transpired on the basis of confessional statement made by co-accused, namely, Firoz Nut vide paragraph no. 144 of the case diary. It is further submitted that vide paragraph no. 146 of the case diary, it appears that various looted articles and weapons have been recovered from the house of petitioner no. 1 which were identified by the informant of this case and the same proves the involvement of



petitioner no. 1 in the alleged occurrence. Hence, petitioner no. 1 does not deserve the privilege of bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation against petitioner no. 1, this Court is not inclined to grant bail to petitioner no. 1. So far as remaining petitioner, i.e. petitioner no. 2, is concerned, this Court is inclined to grant bail to petitioner no. 2.

7. Accordingly, the prayer for grant of bail to petitioner no. 1, namely, Biran Nut, is hereby, **rejected**.

8. So far as petitioner no. 2 is concerned, let the petitioner (**i.e. petitioner no. 2**), be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parsa Bazar P.S. Case No. 235 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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