

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27966 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- PARBATTa District- Khagaria

Roshan Kumar S/o Chandeshri Singh R/o Village- Karna, P.S.- Parbatta,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 382 of 2024 registered for the alleged offences under Sections 317(2), 317(4) of B.N.S. and Sections 25(1-B)a, 26 of the Arms Act.

3. As per prosecution case, police received information about petitioner, who was accused in some other case, sleeping in the house of co-accused Pashupati Yadav. The house of co-accused was surrounded and the petitioner was apprehended having trying to flee away from the spot. From the search of the petitioner, recovery of one loaded country made katta with one cartridge was made. The motorcycle was also found to be stolen. At the instance of the petitioner, further



recovery of stolen motorcycles were made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner and it is a case plantation. There is no independent witness to the seizure list. There is complete violation of Section 103 of B.N.S.S. Though the petitioner is having antecedent of 10 cases but the police has falsely implicated in all the 10 cases. In 2019 six cases, in 2017 two cases and 2024 three more cases have been lodged against the petitioner. The petitioner is in custody since 16.09.2024 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a habitual offender and he is accused in a number of cases of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of recovery, submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate- 1st,
Khagaria/concerned Court in connection with Parbatta P.S. Case
No. 382 of 2024, subject to the conditions mentioned in Section
480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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