

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32206 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

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Md. Chand @ Guddu S/o- Late Md. Jalal @ Md. Akhter Sah @ Md. Jalaludin
Mohalla- Pankha Toli Near Kabristan Police Station-Kazimohammadpur
District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Adv.
For the State : Mr. Chandra Bhushan Prasad, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 303(2), 317(4) of the BNS,
2023.

3. The allegation in the FIR is that the informant, a
member of the RPF, on patrolling duty found one person in
suspicious condition at the platform and on search, two mobile
phones were recovered from his possession which belonged to
someone else. It has been disclosed in the FIR itself that the
petitioner stated that he was wanting to sell off the two stolen
mobile phones in the train.

4. Learned counsel for the petitioner submits that a bare



perusal of the FIR itself would go to show that the petitioner was arrested at random by the police on the basis of suspicion and the recovery of two mobile phones has been shown from the petitioner. The FIR also discloses that the petitioner himself has made a statement that he was wanting to sell off the said stolen mobile phones in the train. However, there is no concrete evidence with regard to the fact that the mobile phones were stolen one as they have not been claimed by any other person and further the allegation on the petitioner is not that of committing theft of the said mobile phones. It is next submitted that the petitioner is in custody since 14.01.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that the petitioner is an accused in four other cases. However, in response, learned counsel for the petitioner submits that he is on bail in all other cases except the present one.

6. Considering the above-mentioned facts and circumstances, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Muzaffarpur Rail P.S. Case No. 08 of 2025, subject to the following conditions:



(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit of genealogy as to how he is relative to petitioner.

(2) The petitioner shall remain physically present in the learned court below on each and every date till the charges are framed.

(Soni Shrivastava, J)

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