

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35876 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- SHEOHAR District- Sheohar

Om Babu @ Ombabu Son of Manoj Kumar R/O Vill- Kasturiya, P.S.-
Tariyani, District- Sheohar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

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

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Sheohar P.S. Case No. 298 of 2024, instituted for the offences
punishable under Section 303(2) of the Bharatiya Nyaya
Sanhita, 2023.

3. The prosecution case, in short, is that the informant
parked his motorcycle and when he returned he did not found
his motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. It is further submitted that the petitioner was not present at the place of occurrence and no any stolen article has been recovered from the possession of the petitioner. The petitioner is in custody since 04.02.2025 and has got five criminal antecedents in which he is on bail in three cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 06.05.2025 passed in Cr. Misc. No. 26920 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like



amount each to the satisfaction of Court below/concerned Court in connection with Sheohar P.S. Case No. 298 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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