

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33419 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

Om Babu @ Ombabu S/o Manoj Kumar R/o Village- Kasturiya, P.S.-
Tariyani, Distt.- Sheohar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35270 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

Manish Kumar S/o Nawal Patel R/o Village- Kushahar, P.S.- Tariyani, Distt.-
Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33419 of 2025)

For the Petitioner/s : Mr. Kumar Prabhakar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 35270 of 2025)

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-05-2025 Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection
Tariyani P.S. Case No. 202 of 2024, registered for the offences
punishable under Section 303(2) of the Bharatiya Nyaya Sanhita,
2023. Petitioner, namely, Om Babu @ Ombabu has five criminal
antecedents and petitioner, namely, Manish Kumar has four
criminal antecedents.



3. The prosecution case is to the effect that the informant had gone to see a fair near Sumahuti Market and had parked his motorcycle. It is further alleged that when the informant came out at about 02:00 am, in the night, he found his motorcycle missing.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case only because they were arrested in one Sheohar P.S. Case No. 298 of 2024 from where they had been taken on remand in the present case on the basis of confession of the petitioners. The learned counsel further submits that barring the confession of the petitioners, there is nothing to connect the petitioners with the alleged occurrence and no incriminating/motorcycle has been recovered from the possession of the petitioners. The learned counsel for the petitioners also submits that similarly situated co-accused person, namely, Amar Kumar has been granted bail by this Court vide order dated 19.05.2025, passed in Criminal Misc. No. 31407 of 2025. It has lastly been submitted that the Petitioner, namely, Om Babu @ Ombabu has five criminal antecedents and he is in custody since 09.12.2024 and petitioner, namely, Manish Kumar has four criminal antecedents and he is in custody since 31.01.2025

5. The learned A.P.P. for the State has opposed the



prayer for bail and stated that the petitioners are part of a gang and involved in similar nature for offences.

6. Considering the aforesaid facts and circumstances and taking into account that there is no recovery from the petitioners and barring the confessional statement of the petitioners, there is nothing to connect the petitioners with present case, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned C.J.M., Sheohar, in connection with Tariyani P.S. Case No. 202 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bonds.



(v) The court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Sheohar within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

(Sourendra Pandey, J)

Siwani/-

U		T	
---	--	---	--

