

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35365 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- PATNA GRP CASE District- Patna

1. Baljit Son of Munshi Village- Lohyam p.s-Sadar Dist- Jind (Haryana)
2. Dipak Kumar Son of Ramkrishna village- Barsi, Ps- Bawani, Khera, Dist- bhiwani (Haryana)
3. Vijay Kumar Son of Balveer Singh village- F1/369, Sultanpuri, Ps- Raj Park, Dist- New Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagmani Kumar, Adv
	:	Mr. Devesh Kumar Pandey, Adv
For the Opposite Party/s	:	Mr. Anil Kr. Singh, No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-12-2025 Heard the parties.

2. The petitioners seeks bail in connection with Patna GRP (Rail Thana) P.S. Case No. 173 of 2025 registered for the offence under Sections 303(2), 317(2), 317(5), 111 and 112 of the BNS and Sections 20, 22 and 24 of the NDPS Act.

3. The petitioners are named in the F.I.R. and are in custody since 09.03.2025.

4. The allegation against the petitioners is to have in possession of stolen articles/jewelries of gold, while they were sitting on platform no. 4 at the time of arrival of South Bihar Express at Patna Junction.

5. Learned counsel appearing on behalf of the



petitioners submitted that all three petitioners are known to each other as they were travelling with their spouse together with ornaments and jewelleries as they were going to attend marriage function, but in between on the basis of suspicion while they were at Patna Junction waiting for their train were apprehended by the police without having any cogent material. It is also pointed out that there is no private complaint by any passenger *qua* theft of their ornaments. It is submitted that even the quantity of jewelries/ornaments as appears recovered from the possession of each of the petitioners suggest that it is not in huge quantity suggesting any crime on its face. It is also pointed out that recovery as shown from petitioners are not suggesting that alleged ornaments were recovered from the conscious physical possession and moreover, seizure list appears doubtful being supported by police personnel rather by independent witnesses. While concluding the argument, it is submitted that petitioner no. 1 found involved in three more cases out of which, upon trial acquitted in two cases, therefore, he found involved in only one case, whereas petitioner no. 2 and 3 are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of nature of overall accusations, where recovery of jewelry prima-facie appears doubtful from the conscious physical possession of these petitioners, coupled with fact as investigation of this case already completed where all three petitioners remains in custody since 09.03.2025, accordingly all petitioners above named, are directed to be released on bail in connection with Patna GRP (Rail Thana) P.S. Case No. 173 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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