

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41658 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- Jagdishpur District- West Champaran

Kamlesh Rai @ Kamlesh Yadav Son of Gagandeo Rai Resident of Village-
Borha, ward No 10, PS -Bochaha, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Jagdishpur P.S. Case No. 48 of 2025 registered for the alleged offences under Section 303(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, some unknown thief took the battery used in running of mobile tower company of the informant and the name of the petitioner transpired during investigation for being involved in the theft.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no involvement of the petitioner in the theft of the battery. The name of the petitioner came up during investigation



in the confessional statement of co-accused, Golu Kumar. Learned counsel further submits that the petitioner is driver of a truck whose owner is one Jai Kishore Yadav and as a driver he used to load the scraps on the scrap shop and unload it on different places as per instruction of the owner. The petitioner has nothing to do with the consignment. From the confessional statement of the co-accused, it transpires that the co-accused Golu Kumar with the help of others has stolen the battery from the tower and has sold it to one scrap shop from where the article was loaded on the truck which was driven by this petitioner. Hence, there is no involvement of the petitioner in the alleged theft of battery. The petitioner is having antecedent of two cases. Learned counsel further submits that for no fault, the petitioner is in custody since 03.04.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, 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 Judicial Magistrate-1st Class, West Champaran, Bettiah in connection with Jagdishpur P.S. Case No. 48 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and 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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