

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45374 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- JAMALPUR RAIL P.S. District-
Lakhisarai

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Anand Kumar, S/o Late Ganesh Prasad, Resident of Maksuspur, Bata Gali
No. 38, P.S.- Kasim Bazar, Distt.- Munger, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Rail/Jamalpur P.S. Case No.71 of 2024 registered for the
offence punishable under Section 303(2) of the Bhartiya
Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is not named in the FIR
and is in custody since 21.10.2024.

4. As per FIR, while the informant went to Jamalpur
Railway Station to see off his relatives and parked his
motorcycle near to portico on 24.07.2024 at around 7.30 pm
and when he returned, found missing his motorcycle.

5. It is submitted by learned counsel appearing for



the petitioner that petitioner has been implicated falsely with this case purely on the basis of suspicion, as his name transpired during the course of investigation on the basis of confessional statement of co-accused Md. Shahenbaj @ Md. Sahnawaz @ Pappu. In this connection, it is pointed out that even the recovery of alleged stolen motorcycle was made from the house of co-accused Tinku Sharma. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence and moreover the petitioner found involved in one more criminal case, where he is on bail. In this connection, it is also submitted that the said co-accused Md. Shahenbaj @ Md. Sahnawaz @ Pappu has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.34701 of 2025 dated 01.09.2025.

6. Learned APP opposed the prayer for bail to the petitioner.

7. In view of aforesaid factual submissions and by



taking note of fact as save and except suspicion arising out of confessional statement of co-accused, nothing incriminating *prima facie* transpired against this petitioner as to connect him with present occurrence of theft, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 21.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Kiul (Lakhisarai) in connection with Rail/Jamalpur P.S. Case No.71 of 2024 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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