

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43728 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- MANIHARI District- Katihar

Md. Sobrati S/O Md. Mustaque Resident of Village- Rasulpur, PS- Manihari,
Distt-Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 16-07-2025 This case was heard on 11.07.2025 and the bail was granted to the petitioner.

2. When the order was being pronounced it was observed that the P.S. Case of the present bail application is “Manihari P.S. Case No. 205 of 2024 registered for the offences under Section 309(2) of the B.N.S.”, however, it was found that in paragraph no. 1 of the bail application instead of Section 309(2) of the B.N.S it has been stated as Section 309(4) of the B.N.S and the same defect was found in the first paragraph of the impugned order dated 16.05.2025.

3. It is further noticed that Section 309(2) of the B.N.S has been mentioned in the first page of the F.I.R. as well as in the written report.

4. In view of the above, let the learned counsel for the



petitioner make necessary correction in the paragraph no. 1 of the bail application during course of the day.

5. Learned Chief Judicial Magistrate, Katihar/ concerned Court below, shall make necessary amendments in the impugned order dated 16.05.2025 with regard to the offences in the present case.

6. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

7. The petitioner seeks regular bail in connection with Manihari P.S. Case No. 205 of 2024 registered for the offences under Section 309(2) of the BNS.

8. As per the prosecution case the informant has alleged that two unknown persons had reserved his *Toto* (autorickshaw) and the accused persons have snatched away his silver chain and looted the charger and battery on the point of dagger.

9. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and his name has surfaced in the confessional statement of one co-accused. It is next submitted that there is no recovery from the conscious possession of the petitioner and till date no TIP has been conducted. It has also been submitted that there is two criminal antecedents of the petitioner and he is in custody since 19.02.2025. Learned counsel lastly submits that similarly situated co-accused person has already been



granted bail by this Court vide order dated 26.05.2025, passed in Cr. Misc. No. 32092 of 2025.

10. Learned counsel for the State has opposed the prayer for bail of the petitioner.

11. Considering the aforesaid facts and submissions made by the learned counsel for the parties and taking into account that no incriminating article has been recovered from the conscious possession and the period of custody undergone, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar, District- Katihar, in connection with Manihari P.S. Case No. 205 of 2024, subject to the conditions that:

a. One of the bailors of the petitioner shall be his/her close relative.

b. The petitioner shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution finds the involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bonds of the petitioner. 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.

e. If the petitioner is found involved in a similar nature of offence, the prosecution shall be at liberty to move the lower court for cancellation of bail.

(Sourendra Pandey, J)

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