

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47476 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- BARAHAT District- Banka

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Rohit Kumar S/o- Sunil Yadav Resident of Chapra P.S- Barahat, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Barahat P.S. Case No. 28 of 2025, instituted for the offences punishable under Sections 317(5), 318(4), 338, 336(3), 336(4), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the police has caught the accused persons including the petitioner with two stolen motorcycle as well as mobiles from their conscious possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is no proof of recovery of vehicle from the petitioner and the seizure list was not prepared in presence of the independent witnesses and, thus, there is a non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. There is also no proof to show that the vehicles seized by the police are stolen. No one has also come forward to claim the alleged vehicles. Till date, no T.I. parade has been conducted in this case. The petitioner is in custody since 24.01.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 18.06.2025 passed in Cr. Misc. No. 36863 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Barahat P.S. Case
No. 28 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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