

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51590 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- BARAHAT District- Banka

1. Guru Prasad Karmarkar @ Guru Prasad Karmakar S/o- Prafulla Karmarkar @ Prafulla Karmakar Resident of Baikanthapur, P.O. Shankarpur P.S. Daspur I, District- West Midnapore, West Bengal.
2. Amar Malik @ Amar Mallick S/o- Nitai Malik @ Nitay Malik Resident of Basubebpur P.O.- Shankarpur, P.S. Daspur I, District- West Midnapore, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Barahat P.S. Case No. 123 of 2025 registered for the alleged offences under Sections 317(5) of B.N.S., 2023.

3. As per prosecution case, the petitioners were apprehended on suspicion when their vehicle was signaled to spot and they did not stop. On search of the vehicle, total 58.480 kg of silver ornaments were recovered. Considering it to be



stolen property, the petitioners were taken into custody.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are employees of one Damodar Enterprises which deals in the silver jewellery and it is supplied to different jewellery shops. The petitioners were entrusted with the silver ornaments for delivering the same to one Shri Rajlaxmi Alankar, Chapra and documentation shows invoice was prepared and ledger entries were made. The same was even uploaded on GST portal. However, perhaps, due to fear of police, Shri Rajlaxmi Alankar refused to acknowledge that the consignment was meant for it. Learned counsel further submits that, moreover, no person has come forward to claim the jewellery or to claim that it was stolen property. The whole occurrence took place due to gap in communication and not producing the document in time before the police since the proprietor of the firm Damodar Enterprises was resident of West Bengal. Learned counsel further submits that the petitioners are having no criminal antecedent and they are in custody since 23.04.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that though the



firm of the petitioners have been claiming ownership of the seized silver ornaments, the consignee has denied placing the order for the same.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation in the light of the documents produced and further considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court in connection with Barahat P.S. Case No. 123 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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
petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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