

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51325 of 2025

Arising Out of PS. Case No.-36 Year-2022 Thana- SIRDALA District- Nawada

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Kundan Kumar S/o Ramvilash Chaudhary Resident of Village- Shila, PS-
Fatehpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Sirdalla P.S. Case No. 36 of 2022 registered for the offence

under Sections 379 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in

custody since 07.02.2025.

4. As per FIR, the motorcycle of informant bearing

no. BR27J5154 was stolen by unknown person on

28.01.2025 at about 11:30 PM.

5. Learned counsel appearing on behalf of the

petitioner submitted that merely on the basis of suspicion

arising out of criminal antecedents of the petitioner he was



implicated with present case. It is submitted that petitioner was found involved in four more criminal cases where he is on bail. It is also submitted by learned counsel that alleged recovery of motorcycle was made from the front of house of the petitioner which was occupied by several adult members of the family, which *prima-facie* also suggest that the recovery of alleged stolen motorcycle was not made from the conscious physical possession of this petitioner. It is pointed out that if merit of the case is otherwise favorable merely on the basis of criminal antecedents the prayer of bail of petitioner cannot be declined for which learned counsel relied upon the legal report of ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.*** While concluding argument it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of alleged stolen motorcycle



not appears to be made from the conscious physical possession of this petitioner, coupled with fact that investigation of this case already completed, where petitioner remains in custody since 07.02.2025, accordingly petitioner above named, is directed to be released on bail in connection with Sirdalla P.S. Case No. 36 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Nawada /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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