

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52090 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- SARAIYA District- Muzaffarpur

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Sandeep Kumar Jha @ Sandeep Jha S/O Kumodh Jha @ Amod Jha Resident
of Village- Bahilbara Roop Nath North, Police Station- Saraiya, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Saraiya P.S. Case No. 51 of 2025 registered for the offences
punishable under Sections 317(3), 317(5) of the BNS read with
Sections 25(1-b)a, 26 of the Arms Act.

3. As per prosecution case, one country made pistol
and one live cartridge was recovered from the house of
petitioner. It is alleged that one Hero Splendor Pro motorcycle
bearing Registration No. BR04A-3961 which was kept
concealed in a hut situated in front of the house of the petitioner,
was also recovered.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case. Petitioner is in custody since 30.01.2025. Learned counsel further submits that petitioner bears criminal antecedent of five cases. Learned counsel for the petitioner orally submits that during the pendency of the instant petition, petitioner has been granted bail in Muzaffarpur Sadar P.S. Case No. 33 of 2025 and he submits through para 10 of the instant petition that petitioner is on bail in remaining four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the place from where the alleged recovery has been made from, is the joint house property and petitioner cannot be held liable for the alleged recovery. He further submits that stolen motorcycle was recovered behind the hut which does not belong to the petitioner. TIP has not been conducted up till now.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the alleged recovery has been made from the house of petitioner. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IV, Muzaffarpur (West) in connection with Saraiya P.S. Case No. 51 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he



shall get his presence marked before the officer-in-charge of the
concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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