

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51623 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- Bahera District- Gaya

Rambhajan Yadav, Son of Late Gopal Yadav, Resident of Village - Pathak
Bigha (Dharampur), P.S.- Bahera, Distt. - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Bahera P.S. Case No.27 of 2025 registered for the
offences punishable under Sections 317(5), 318(4), 336(3),
338 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for
short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is
in custody since 03.03.2025.

4. As per FIR, the petitioner found in possession of
stolen motorcycle.

5. It is submitted by learned counsel appearing for
petitioner that petitioner was not apprehended on spot, as



same is evident from the fact that his signature is not available on the seizure list. It is submitted that recovery of stolen motorcycle as alleged was not made from possession of this petitioner and merely for the reason that he was accused in 14 cases on the basis of said suspicion, he was implicated with present case. It is submitted that merely on the basis of criminal antecedent, ordinarily, the bail of petitioner should not be declined and in support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* recovery of stolen motorcycle appears doubtful from possession of this petitioner, coupled with the fact that investigation of this case



is already completed, where petitioner remains in custody since 03.03.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Sherghati at Gaya in connection with Bahera P.S. Case No.27 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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