

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53330 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- SANDESH District- Bhojpur

Sukesh Kumar Son of Shashibhushan Singh, R/o Village- Baruhi, P.S.- Sahar,
District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing on behalf of the

State.

2. The petitioner seeks bail in a case registered for
the offences punishable under Sections 317(2), 317(5), 318(4),
338, 336(3), 111 and 112 of the B.N.S., 2023.

3. The prosecution case in brief is that an FIR was
lodged on the basis of self-statement of Inspector Santosh
Kumar, SHO, Sandesh, Bhojpur in which it has been alleged
that on 14.04.2025, getting secret information that the accused
Sanni Kumar is roaming on a stolen motorcycle in village
Akhgaun. The Inspector Santosh Kumar, SHO along with his
team is said to have raided there and arrested Sanni Kumar, who
confessed that the recovered motorcycle is stolen one and he



further informed that he has kept other two motorcycles with Mantu Kumar, Sukesh Kumar (petitioner) as well as Mithun Kumar. It is further alleged in the FIR that the Police team raided the house of Mithun Kumar and Sukesh Kumar (petitioner) and Mantu Kumar and four other motorcycles were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent has has falsely been implicated in the present case. She further submits that the co-accused Sanni Kumar has already been granted bail by a co-ordinate Bench of this Court *vide* order dated 04.07.2025 passed in Cr. Misc. No. 39271 of 2025. She next submits that on careful perusal of the seizure list, it would transpire that the other motorcycles which are alleged to have been recovered from the house of the petitioner and the co-accused Mithun Kumar are actually not recovered from the house of the petitioner and Mithun Kumar, rather they have been recovered from an open field which has been described as Varuhi Diyara, Soneghat. The search and seizure memo has also not been signed by any independent witnesses and therefore, it casts a doubt on the validity of the search and seizure itself. Learned counsel further submits that the petitioner carries two criminal antecedents as mentioned in



the paragraph no. 3 of the bail application and in one of the case, the bail application is allowed whereas in the second case the bail application is said to be pending. Learned counsel lastly submits that the petitioner is in custody since 15.04.2025 and chargesheet has already been filed therefore, completing the investigation, and keeping the petitioner in custody would be a travesty of justice as custody is not required after completion of investigation.

5. Learned Additional Public Prosecutor for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the submissions made on behalf of the parties and also taking into account the fact that co-accused Sanni Kumar has already been granted bail by a co-ordinate Bench of this Court *vide* order dated 04.07.2025 passed in Cr. Misc. No. 39271 of 2025, coupled with the fact that the search and seizure memo does not bear the signature of the independent witnesses and also considering the fact that the place of recovery of the stolen motorcycles has not been shown to be the house of the petitioner and also taking into account the fact that chargesheet has already been filed, this Court is inclined to enlarge the petitioner on bail. Accordingly, the



petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending / successor Court, in connection with **Sandesh P.S. Case No. 84 of 2025**, subject to the following conditions:

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in the Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



*bond in terms of the above-mentioned order shall not be
delayed for purpose of or in name of verification.*

7. Accordingly, the prayer for bail stands allowed.

(Alok Kumar Sinha, J)

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