

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51887 of 2025

Arising Out of PS. Case No.-552 Year-2024 Thana- BATHNAHA District- Sitamarhi

Alok Kumar Son of Late Rajdeo Das, Resident of Village- Bairaha, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Bathnaha P.S. Case No.552 of 2024 registered for the offences punishable under Sections 305(a) and 331(4) of the BNS, 2023.

3. Allegedly, 240 Kg. stolen paddy of the informant kept in 8 bags, (30 Kg. in each bag) were recovered from the house of the petitioner on the disclosure made by co-accused Ritesh Kumar and Chandan Kumar.

4. Learned Advocate for the petitioner contended that the paddy, which was recovered from the house of the petitioner is not the subject matter of theft, rather the paddy belongs to the petitioner. It is further contended that on account of village



politics, co-accused, Ritesh Kumar and Chandan Kumar, have implicated the name of the petitioner without there being any cogent material and moreover, the alleged paddy, which was recovered from the house of the petitioner has not been subjected to any Test Identification Parade; all the more, had the paddy been recovered from the house of the petitioner, there would have been signature of his family members, which fact has also not been taken note of in the impugned order. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the recovery of paddy from the house of the petitioner clearly shows his complicity in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged offence is triable by Magistrate, coupled with the infirmities in search and seizure; apart from the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No.552 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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