

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58363 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Lokha District- Supaul

Subhash Yadav S/o Late Priyavrat Yadav R/o Village- Mokana, Ward No. 11,
P.S.- Bihra, District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
		Ms.Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 10-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Lokha P.S. Case No. 5 of 2025 registered for the offences under

Sections 309(4), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in

short, the 'B.N.S.').

3. The accused/petitioner is not named in the First

Information Report and is in custody since 16.05.2025.

4. As per FIR, some unknown miscreants looted the

motorcycle of the informant and fled away.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that name of this petitioner surfaced

during course of investigation only on the basis of confessional



statement of apprehended co-accused and also on the basis of suspicion arising out of criminal antecedent of the petitioner as he found involved in four cases wherein he is on bail.

6. It is submitted that nothing transpired during investigation out of confessional statement of co-accused which may suggest the involvement of this petitioner with present crime in question. It is pointed out that in maximum of cases the petitioner involved only on the basis of suspicion like the present case having otherwise, no evidentiary value under law. Even alleged motorcycle not appears to be recovered from conscious physical possession of this petitioner, rather same appears to be recovered from the courtyard, where the witness of seizure list appears not even independent, rather same is supported by police personnel.

7. Arguing further, it is submitted that despite having all occasion for TIP, the petitioner was not put on TIP as yet.

8. While concluding argument, it is submitted that investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner.

10. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising out of confessional statement of apprehended co-accused person, *prima facie* nothing appears incriminating against the petitioner during investigation as to connect the petitioner with the present crime in question, coupled with the fact that petitioner remains in custody since 16.05.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul/concerned court, in connection with Lokha P.S. Case No. 5 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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