

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63328 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- BARSOI District- Katihar

Samrul Haque @ Md. Samrul S/o Tamijuddin @ Beldar R/o village -
Jokalbari, P.S - Barsoi (Kuchna O.P), District - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Sharda Nand Mishra, Advocate Mr.Harish Chandra Patel, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s :	Mr.Md. Matloob Rab,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-10-2025 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
Barsoi P.S. Case No. 58 of 2025 registered for the offences
under Sections 331(4), 305 of the Bhartiya Nyay Sanhita, 2023
(in short, the 'B.N.S.')

and further added section 317(2) of the
B.N.S.

3. The accused/petitioner is not named in the First
Information Report and is in custody since 05.04.2025.

4. As per FIR, some unknown miscreants committed
theft in the house of the informant, who noticed the theft after
returning from Siliguri and found that 9 Kg. of gold and 72 Kg.
of Silver was stolen from his house.



5. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation, apprehended co-accused namely, Shyam Kumar Soni and Md. Yasir confessed the name of this petitioner *qua* his involvement with the present crime in question, in furtherance of which, no stolen material was recovered from possession of this petitioner. It is submitted that one of the reason for implication of this petitioner with the present crime in question is his criminal antecedents, as he found in six criminal cases, where he is on bail in three cases. It is submitted that if the merit of case otherwise appears in favour of petitioner, merely on the basis of criminal antecedents the prayer of bail ordinarily should not be declined and, in support of her submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

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

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



for bail of the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as except suspicion arising out of confessional statement of apprehended co-accused prima-facie nothing incriminating appears recovered during investigation as to connect the petitioner with the present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 05.04.2025, 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 A.C.J.M. - 1st, Katihar/concerned court, in connection with Barsoi P.S. Case No. 58 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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