

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65182 of 2025

Arising Out of PS. Case No.-242 Year-2025 Thana- PARSABAZAR District- Patna

1. Nandani Devi W/o Pradhan Choudhary @ Pradhar Chaudhary R/o - Nat Baba, P.S - Bruna, District - Aurangabad
2. Vishwakarma Chaudhary S/o Manjhi Chaudhary R/o - Maninagar, P.S - Dehari, District - Rohtas
3. Khushui Devi @ Khushu Devi W/o Anoj Choudhary R/o - Maninagar, P.S - Dehari, District - Rohtas
4. Rupa Devi W/o Vishwakarma Chaudhary R/o- Maninagar, P.S - Dehari, District - Rohtas
5. Khunu Devi W/o Vishwakarma Chaudhary R/o- Maninagar, P.S - Dehari, District - Rohtas
6. Vijali Devi W/o Kashi Chaudhary R/o - Maninagar, P.S - Dehari, District - Rohtas
7. Kashi Chaudhary S/o Rajesh Pasi Chabo @ Rajesh Chaudhary R/o - Maninagar, P.S - Dehari, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate Ms. Kumari Pallavi, Advocate
For the State	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-12-2025 Heard Mr. Manoj Kumar Pandey, learned counsel
for the petitioners and Mrs. Nirmala Kumari, learned APP for
the State.

2. Petitioners seek regular bail in connection with
Parsa Bazar P.S. Case No. 242 of 2025 dated 11.06.2025
registered for the offences punishable under Sections 303(2),
317(2), 317(4), 317(5) and 111 of Bharatiya Nyaya Sanhita, 2023
(in short 'B.N.S.').



3. The main submissions advanced by learned counsel for the petitioners are that out of all the petitioners, five are women, all of whom have no criminal antecedents and have been languishing in jail since 12.06.2025 and against them, investigation has already been completed. It is further submitted that although forty-one mobile phones are alleged to have been recovered from the possession of the petitioners but in fact, the petitioners belong to the 'Nat' community, which does not reside at any fixed place and frequently changes its dwelling locations. It is further submitted that the petitioners are hawker who sell their utensils of steel and plastic etc. and take the useless mobile phones from the customer and they earn their livelihood from this type of trade and business. Learned counsel submits that during investigation, the police could not establish that any of the recovered mobile phones were stolen property and no individual came forward to claim ownership of the seized devices, and no specific theft case was linked to them, therefore, the alleged offence under Section 317(5), under which the FIR has been registered, is not attracted in the present matter, as the prosecution has not produced any material to show that the seized mobile phones were stolen property. It is lastly submitted that the petitioners are poor persons, have already suffered considerable hardship by remaining in judicial custody since



12.06.2025, and except Section 111 of BNS all the alleged offences are triable by the Court of any Magistrate.

4. Learned APP for the State has opposed the prayer for bail of the petitioners.

5. In the facts and circumstances of this case, and considering the above submissions, this Court is inclined to release the petitioners on bail. Accordingly, let the petitioners named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Parsa Bazar P.S. Case No. 242 of 2025 **on the condition:-**

(i) As the petitioners have no permanent dwelling place, considering this aspect, they shall be released after the framing of charge. If the charges have not yet been framed then the trial court shall proceed to frame the charges against the petitioners in accordance with law within one month. If, for any legal reason, the charges are not framed upon the petitioners within the next one month then the petitioners shall be released on bail.

(Shailendra Singh, J)

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