

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87548 of 2024

Arising Out of PS. Case No.-446 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Raja Ram Son of Baijnath Ram Resident of Village- Ramnagar Nirmohi Tola, P.S.- Chapra Muffasil, District- Saran (Chapra)
2. Chhotu Kumar Son of Late Vidya Manjhi Resident of Village- Ramnagar Nirmohi Tola, P.S.- Chapra Muffasil, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Chapra Muffasil P.S. Case No. 446 of 2024 instituted for the offences under Sections 331(2), 305(A) of the Bharatiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the petitioners is of being involved in the theft of leather bag of the Informant containing different articles along with money, Samsung A22 mobile, Samsung J8 mobile, Bluetooth headphone, Boat Black jet Airdrops Alpha etc.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case merely on the basis of suspicion and police mechanism. The petitioners are not named in the F.I.R. and their names have transpired in this case in course of investigation. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners or from their house. He further submits that as per prosecution, the police has recovered one leather bag from the house of the petitioners but, the same has not been put to Test Identification Parade. The petitioners have no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. Both the petitioners have one criminal antecedent each in which they are on bail and are languishing in judicial custody since 28.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the police has recovered theft leather bag and mobile etc. from the house of the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioners,
let the petitioners, abovenamed, be released on bail on
furnishing bail bonds of Rs.10,000/- (Ten thousand) each with
two sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Chapra Muffasil P.S.
Case No. 446 of 2024.

(Rudra Prakash Mishra, J)

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