

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77574 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- GURUA District- Gaya

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Santosh Kumar @ Santosh Mohite @ Santosh Kumar Mohite S/O Raja Ram Mohite @ Raj Ram Mohite R/vill- K P Road , Tower Chowk, P.S.- Kotwali, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 By means of this bail application, petitioner, who is involved in connection with Gurua P.S. case no. 59 of 2025, registered for the offences punishable under Sections 334(1) and 303(2) of B.N.S., seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, it is alleged that a theft was committed in the jewellery shop and the thieves took away ornament worth Rs. 6,00,000/- and cash of Rs. 25,000/-.

4. The main substratum of argument of learned counsel for the petitioner is that petitioner is innocent and he has been



falsely implicated in this case on the basis of confessional statement of co-accused Khesari Khan @ Babar @ Ibrar and Shivaji Bhimrao Karande @ Shivaji Karandey @ Shivaji Bhim Karande who have been granted bail by the Co-ordinate Bench of this Court vide orders dated 17.09.2025 and 07.10.2025 passed in Cr. Misc. Nos. 64985 of 2025 and 67458 of 2025 respectively. The case of present petitioner stands on better footing than that of aforesaid both the co-accused. It is also submitted that there is no recovery of any ornament or money from the possession of the petitioner. Much emphasis has been given by contending that police after apprehending the petitioner in the present case has also implicated him in 14 other cases, out of which in one case he has been granted bail. The petitioner has criminal history of fourteen cases. Lastly, it is submitted that petitioner is languishing in jail since 13.06.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute



that the name of petitioner surfaced during investigation in the confessional statement of co-accused Khesari Khan @ Babar @ Ibrar and Shivaji Bhimrao Karande @ Shivaji Karandey @ Shivaji Bhim Karande who have been granted bail as noted above. The allegation against the petitioner is similar to the other co-accused. After investigation, charge sheet has been submitted in this case. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 13.06.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner



stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting



unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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