

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85617 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- HASPURA District- Aurangabad

Maksud Alam S/O- MD Haslam Alam @ Islam Khalifa Resident of Village-
Chaurahi road, Haspura, P.S Haspura, DISTRICT Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 85632 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- HASPURA District- Aurangabad

Sunil Kumar @ Sunil Chaudhari Son of Mangal Chaudhari Resident of
Halimchak, P.S.- Haspura, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 85617 of 2024)
For the Petitioner/s : Ms.Mukul Kumari, Advocate
For the State : Mr.Anant Kumar 1, APP
For the Informant : Mr.Jitendra Kumar Shrivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 85632 of 2024)
For the Petitioner/s : Mr.Aman Vishal, Advocate
For the State : Mr.Ram Bilash Roy Raman, APP
For the Informant : Mr.Jitendra Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 20-06-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioners seek bail in a case registered for the
offences under Sections 331(4), 305 of the B.N.S.

3. As per the prosecution case, the allegation against



the petitioners is that on 21.08.2024, when the informant opened his shop it was found that cash of Rs. 22,00,000/- and jewellery were missing which amounted to almost Rs. 3,65,000/-.

4. Learned counsel for the petitioners submits that petitioners are not named in the FIR and their names have surfaced in the confessional statement on one co-accused Shakil Alam.

5. Learned counsel appearing on behalf of Maksud Alam states that the recovery is said to be made under a tree of the orchid which is an open space and does not even belong to the petitioner. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. It is lastly submitted that the petitioner has clean antecedent and he is in custody since 21.08.2024.

6. Learned counsel appearing on behalf of Sunil Kumar has submitted that though the recovery has been shown to be made from the house of the petitioner which is a joint property, but nothing has been recovered from the conscious physical possession of the petitioner. It is lastly submitted that the petitioner has two criminal antecedents and he is in custody since 22.08.2024.

7. Learned APP for the State as well as learned



counsel for the informant have jointly opposed the prayer for bail of the petitioners and submits that recovery has been made from the petitioners in pursuance to the confessional statement and hence, they should not be granted bail. It is further submitted that the trial is on the verge of completion which is clear from the report which was called for from the trial court and in view of the same, the petitioners should not be granted the privilege of bail.

8. Considering the aforesaid facts and circumstances of the case and taking into account that the prosecution evidence is on the verge of closure and the trial at its final stage, I am not inclined to grant bail to the petitioners. However, the petitioners shall be at liberty to move before this Court if it is found that the trial is unnecessarily delayed on account of the prosecution side. The learned trial court is also directed to expedite the trial of the case and complete the same within three months from today.

9. These applications stand dismissed.

(Sourendra Pandey, J)

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