

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85449 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- SIRDALA District- Nawada

Suraj Kumar S/o Gorelal Rajbanshi R/o - Chaili, P.S - Sirdala, District -
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Sirdala
P.S. Case No. 297 of 2024 registered for the offences under
Sections 317(5), 318(4) and 61(2) of Bhartiya Nyaya
Sanhita (in short 'BNS').

3. The petitioner is named in the First Information
Report and is in custody since 04.08.2024.

4. Allegation against the petitioner is to involve in
dealing with stolen property where during search three stolen
motorcycles were alleged to be recovered from the house of
petitioner.



5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner transpired on the basis of certain secret inputs and, moreover, alleged stolen motorcycles appears to be recovered from the joint house of the petitioner and same fact also surfaced during course of investigation. It is submitted that compliance of Section 103(5) of the Bhartiya Nagrik Suraksha Sanhita (in short 'B.N.S.S.') has not been followed in the present case. It is also submitted that similarly situated co-accused namely Ashish Rajvanshi has been granted bail by this Court through Cr. Misc. No. 80364 of 2024 vide order dated 29.01.2025.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, where charge-sheet has already 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 factual submission as *prima-facie* recovery of stolen motorcycle appears doubtful from



conscious physical possession of the petitioner, who is a man of clean antecedent, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 04.08.2024, accordingly, 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 Judicial Magistrate, 1st Class, Nawada/concerned court, in connection with Sirdala P.S. Case No. 297 of 2024, 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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