

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84013 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- HISUWA District- Nawada

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Kheshari Khan @ Babar @ Ibrar S/O Md. Kamruddin @ Kamruddin R/O
Mohalla- Gewal Bigha, P.S.- Rampur, Dist.- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 4883 of 2026

Arising Out of PS. Case No.-30 Year-2025 Thana- HISUWA District- Nawada

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Rajesh Kumar Gupta S/o Late Ganga Prasad Gupta R/o Village- Tower
Chowk, P.S- Kotwali, Dist- Gaya, Bihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 84013 of 2025)

For the Petitioner/s : Mr.Tabish Sharfuddin, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 4883 of 2026)

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026

Cr. Misc. No. 84013 of 2025

Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Hisua

P.S. Case No. 30 of 2025, registered for the offence under

Sections 334(1), 303(2), 317(2) of BNS.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 01.09.2025.

4. As per FIR, some miscreants committed theft in



the jewellery shop of the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner transpired during the course of investigation on the basis of confessional statement of co-accused, namely, Rajesh Kumar Gupta. It is further pointed out that in terms of allegation only 05 Kg of silver ornaments was alleged to be stolen but as per seizure list, it appears 13.12 Kg of silver plate was recovered from the possession of this petitioner, which falsified the entire allegation. It is also pointed out that seizure list is not supported by independent witnesses, rather by police personnels. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent, it is submitted that petitioner found involved in 5 more criminal cases. It is submitted that if the merit of this case is otherwise convincing in favour of the accused/petitioner merely on the basis of criminal antecedents, the prayer of bail ordinarily should not



be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

7. Learned APP while opposing the prayer of bail could not disputed the seizure list, as submitted aforesaid.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* seizure list creates a doubt *qua* recovery of alleged stolen silver ornaments from the possession of this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 01.09.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Hisua P.S. Case No. 30 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-11th, Nawada/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.



Cr. Misc. No. 4883 of 2026

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Hisua P.S. Case No. 30 of 2025, registered for the offence under Sections 334(1), 303(2), 313, 317(2), 331. 111, 61(2), 3/5 of BNS, 2023.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 29.08.2025.

4. As per FIR, some miscreants committed theft in the jewellery shop of the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner transpired during the course of investigation on the basis of confessional statement of co-accused, namely, Gautam Kumar, who has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 35133 of 2025 dated 03.09.2025. It is further pointed out that in terms of allegation only 05 Kg of silver ornaments was alleged to be stolen but as per seizure list, it appears 13.12 Kg of



silver plate was recovered from the possession of this petitioner, which falsified the entire allegation. It is also pointed out that seizure list is not supported by independent witnesses, rather by police personnels. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent, it is submitted that petitioner found involved in 13 more criminal cases. It is submitted that if the merit of this case is otherwise convincing in favour of the accused/petitioner merely on the basis of criminal antecedents, the prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

7. Learned APP while opposing the prayer of bail could not disputed the seizure list, as submitted aforesaid.

8. Considering the aforesaid factual submissions



and by taking note of fact as *prima facie* seizure list creates a doubt *qua* recovery of alleged stolen silver ornaments from the possession of this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 29.08.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Hisua P.S. Case No. 30 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Court, Nawada/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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