

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7173 of 2026

Arising Out of PS. Case No.-363 Year-2025 Thana- GHORASAHAN District- East
Champaran

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1. Krishna Prakash Kumar Kushwaha S/O Nawal Kishore Prasad Kushwaha
Resident Of Village- Gurmiya, P.s.- Ghorashan, Distt.- East Champaran,
Motihari
 2. Ganesh Mahto S/O Late Dukha Mahto Resident Of Village- Koirgaown,
P.s.- Jitna, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with
Ghorasahan P.S. Case No. 363 of 2025 instituted for the offence
under Sections 317(4), 317(5) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. On 30.10.2025, acting on secret information, the
informant apprehended the petitioner No.1 near Ghorasahan
Railway Station Road with a stolen motorcycle without
documents, who on interrogation confessed his involvement in a
gang stealing motorcycles from Motihari and Ghorasahan and



selling them in Nepal and on his disclosure, another stolen motorcycle was recovered from a warehouse at Veerta Chowk and co-accused Ganesh Mahato (petitioner No.2), Vishal Kumar and Rupesh Kumar were arrested

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 01.11.2025. Petitioner No.1 bears one criminal antecedent, whereas petitioner No.2 bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioners have no concern with the recovered motorcycle. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Ghorasahan P.S.
Case No. 363 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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