

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7890 of 2026

Arising Out of PS. Case No.-378 Year-2024 Thana- HARSIDHI District- East Champaran

Mukesh Chaudhary S/O Late Suresh Chaudhary R/o Vill.- Jura Pakari,
Bhairoganj, P.S.- Ramnagar, District- West Champaran

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2026 Heard learned counsel appearing on behalf of the

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

2. The accused/petitioner seeks bail in connection with

Harsidhi P.S. Case No. 378 of 2024 registered for the offences

under Sections 310(2) of the Bhartiya Nyay Sanhita, 2023 (in

short, the 'B.N.S.').

3. The accused/petitioner is not named in the First

Information Report and is in custody since 05.08.2025.

4. Allegation against the petitioner is to commit dacoity

along with other accused persons in M/s Spandan Sphurti Finance

Limited, Motihari, where during the occurrence cash of Rs. Seven

Lakhs was looted on the gun point. It is alleged that face of all the

accused persons were masked either by cloth or by the helmet.

5. It is submitted by learned counsel appearing on behalf



of the petitioner that name of this petitioner transpired in the alleged occurrence only on the basis of confessional statement of co-accused namely, Anish Raj, in furtherance of which, no incriminating material appears recovered from possession of this petitioner as to connect him *prima facie* with the present crime in question. It is submitted that petitioner was not put on TIP as yet.

6. Explaining criminal antecedents of the petitioner, it is submitted that petitioner found involved in eight more criminal cases and in maximum of these cases, his name transpired only on the basis of confessional statement of apprehended co-accused as of present case having no evidentiary value in law.

7. It is submitted that ordinarily prayer of bail of the petitioner should not be rejected on the ground of criminal antecedents alone, if merits of the case otherwise convincing in favour of the accused/petitioner. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion *prima-facie* nothing



incriminating appears against petitioner as to connect him with present crime in question, coupled with the fact that petitioner remains in custody since 05.08.2025, where investigation of this case is already completed, 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, East Champaran/concerned court, in connection with Harsiddhi P.S. Case No. 378 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)

Rajeev/-

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