

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35914 of 2026**

Arising Out of PS. Case No.-435 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Mithilesh Kumar Son of Lal Bahadur Sah Resident of Village- Belari, P.S.- Ujjiyarpur, District- Samastipur
2. Prashant Kumar Son of Matar Sah @ Matru Sah Resident of Village- Belari, P.S.- Ujjiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Shashank Shekhar, Advocate |
|                          | : | Ms. Mili Kumari, Advocate      |
| For the Opposite Party/s | : | Mr. Nand Kishore Prasad, APP   |

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

2      08-06-2026                      Heard Ms. Mili Kumari, learned counsel for the petitioners and Mr. Nand Kishore Prasad, learned APP for the State through virtual mode.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 357 and 380 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that unknown persons have committed theft in his house.

4. Learned counsel for the petitioners submits that the FIR was lodged against unknown and subsequently the name of the petitioners transpired during the course of



investigation in the confessional statement of one co-accused, Mukesh Kumar. In his confession the name of other accused persons, namely, Dharamendra Sah and Deepak Kumar had also transpired and the recovery was made from those accused persons. The said Dharmendra Sah has also been granted the privilege of bail by a Co-ordinate Bench of this Court vide order dated 08.01.2025 passed in Cr. Misc. No.88698 of 2024, who also had four criminal antecedents. The petitioners are in custody since 17.03.2026 and charge-sheet has already been submitted.

5. Learned APP for the State opposed the grant of bail on the ground that the petitioners have two criminal antecedent. However, in response it has been submitted that the petitioners are on bail in both the cases.

6. Taking into consideration the facts and circumstances and considering the fact that the name of the petitioners have transpired during investigation in the confessional statement of co-accused and no recovery has been made from them, coupled with the fact that charge-sheet has already been submitted and co-accused has been granted the privilege of bail by a Co-ordinate bench of this Court, let the above named petitioners, be released on bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur/concerned Court below in connection with Warisnagar (Mathurapur) P.S. Case No. 435 of 2023 subject to condition that:-

(i) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister.

(ii) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

**(Soni Shrivastava, J)**

anand/-

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