

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41993 of 2026

Arising Out of PS. Case No.-216 Year-2026 Thana- BANJARIA District- East Champaran

Hashim @ Chuman @ Shekh Hasim @ Dhuman, S/o Late Shamshul Hoda @
Shekh Samsul, Resident of Village-Janerwa, Ward No.15, P.S.-Banjariya
District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Banjariya P.S.
Case No.216 of 2026 registered under Sections 317(5),
318(4), 336(2), 336(3), 338, 340(2) and 317(2) of the
Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per FIR, three motorcycles alleged to stolen
were recovered from the premises of the petitioner.

4. It is submitted by learned counsel appearing for
petitioner that alleged raid was conducted on 28.03.2026
but, the seizure list of the seized motorcycles was prepared
on 31.03.2026, that too, within the premises of Banjariya



Police Station, making the entire recovery doubtful. It is submitted that it is a case of police atrocities. It is pointed out that out of alleged three stolen motorcycles, the two motorcycles i.e. Scooty bearing Registration No.WB798-0234 and bullet motorcycle bearing Registration No.-BR22AA-2975 belong to the family members/relatives of the petitioner and, therefore, it was parked in the premises, whereas the Splendor motorcycle bearing Registration No.BR228757 was not alleged to be recovered from premises of this petitioner. It is submitted that as petitioner could not produce immediately the related documents of the motorcycles on the demand of police, the present false implication was raised. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as two of seized motorcycles, which were seized from the premises of petitioner was claimed to belongs to his family members i.e. Scooty bearing Registration No.WB798-0234 and bullet motorcycle bearing



Registration No.-BR22AA-2975, coupled with the fact that seizure list appears prepared after three days i.e. on 31.03.2026 that too, within the premises of police station and not at the place of recovery, accordingly, the petitioner, above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Motihari, East Champaran in connection with Banjariya P.S. Case No.216 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

7. The learned trial court is directed to ensure that the Scooty bearing Registration No.WB798-0234 and bullet motorcycle bearing Registration No.-BR22AA-2975 belong to family members of the petitioner duly supported by its registration certificate, while accepting the bail bond of



the petitioner, failing which the learned trial court is directed
as not to accept the bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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