

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44024 of 2026

Arising Out of PS. Case No.-127 Year-2026 Thana- TURKAULIYA District- East
Champaran

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Mithlesh Ram @ Mithilesh Ram Son of Late Mahangu Ram R/o Vill.-
Jhakhya, P.S.- Banjariya, Dist.- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Surya Narayan Kumar
For the Opposite Party/s :	Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Turkauliya P.S. Case No. 127 of 2026, registered for the offences punishable under Sections 111(2), 317(2), 303(2) 317(4), 317(5), 318(4), 336(3), 338, 340(2), 3(5) of the BNS.

3. The police, on an information regarding theft of motorcycle, conducted raid and apprehended three persons and recovered a motorcycle. One of the apprehended person, namely, Pawan Ram has disclosed that the motorcycle belongs to the petitioner, who used to run a Garage in *Jhakiya*. On the said information, the police conducted a raid in the Garage of the petitioner, however nothing has been recovered.



4. Learned Advocate for the petitioner submitted that from the FIR it is evident that the alleged stolen motorcycle has been recovered from the possession of the apprehended person and on his disclosure the police raided the garage of the petitioner but no incriminating material has been recovered, which fact clearly suggests he had no complicity in the crime. The petitioner has never been made accused in connection with any case, much less with regard to the theft of motorcycle, and, as such the offences alleged in the FIR is also not made out. Mere disclosure of co-accused person before the police is not admissible and on such statement the petitioner cannot be held guilty, is the contention of the learned Advocate. It is further contended that the allegation that the petitioner is a member of the syndicate does not stand corroborated in the absence of any material to establish the existence of an organized crime syndicate or any continuing unlawful activity, as required under Section 111 of the BNS. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the apprehended persons specifically alleged that it is the petitioner



who had handed over the motorcycle which was found to be stolen one.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that in course of raid in the Garage of the petitioner, nothing incriminating material has been recovered suggesting any complicity in the crime, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-21st, East Champaran, Motihari/concerned court in connection with Turkauliya P.S. Case No. 127 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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