IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77310 of 2026

CNR No. BRHC011080132026

Arising Out of PS. Case No.-424 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Shyam Babu Mukhiya @ Shyam Babu @ Shyam Babu Kumar S/o Late Lalit Mukhiya Resident Of Village - Hasuaha Ward No. 05, PS - Muffasil, Distt - East Champaran at Motihari

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binod Kumar Singh
Mr. Kumar Vikram
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 19-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 317(2), 317(4), 317(5), 338, 336(3), 111(1) and 3(5) of the B.N.S.

3. As per FIR, two stolen motorcycles were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the police by showing a fake recovery of two motorcycles from the possession of the petitioner. It is further submitted that the petitioner does not belong to any organized group or gang and only for the purposes of saving the real culprit, false recovery

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has been shown. Further, the recovery has not been made in the presence of any independent witness rather in the presence of police personnel and the FIR is also based on self statement of the police. It is further pointed out that the similarly situated co-accused persons namely Sukhal Mukhiya and Khalifa Mukhiya from whose possession also recovery of motorcycles has been shown, have been granted bail by coordinate Benches of this Court vide order dated 28.10.2026 and 05.11.2026 passed in Cr. Misc. No. 77098 of 2026 and Cr. Misc. No. 80108 pf 2026. The petitioner is in custody since 01.07.2026, charge-sheet has been submitted and he undertakes to cooperate in the trial.

5. Learned APP for the State has opposed the application for bail on the ground that the petitioner has three criminal antecedents. In response, it has been submitted that the bail has been granted in two of the cases under Excise Act

6. Taking into consideration the facts and circumstances and also considering the fact that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court and charge-sheet has been submitted coupled with the fact that the petitioner undertakes to cooperate in the trial, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees

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Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muffasil P.S. Case No. 424 of 2026, subject to the conditions that:

(I) One of the bailors would be the family member or relative.

(II) The petitioner would appear physically on each and every date in the learned court below and would cooperate in the conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

(III) The petitioner shall be released only upon verification of the criminal antecedents which shall be done positively within a period of two weeks from today.

(Soni Shrivastava, J)

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