

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80525 of 2025

Arising Out of PS. Case No.-611 Year-2025 Thana- MADHAURAH District- Saran

Chhotu Mishra Son of Late Mahendra Mishra R/o Village- Yadav Chouk,
P.S.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 79464 of 2025

Arising Out of PS. Case No.-611 Year-2025 Thana- MADHAURAH District- Saran

1. Aasif Kumar @ Sawan @ Ashik Kumar @ Sawan Kumar S/o- Pankaj Pankaj Pandey @ Pankaj Tiwary R/v- Kartahan Ps- Kartahan Dist- Vaishali
2. Vikash Kumar Tiwary S/o- Dara Tiwary R/v- Rahika Ps- Rahia Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80525 of 2025)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Raju Kumar, Advocate
Mr. Shubham Samrat, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 79464 of 2025)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Raju Kumar, Advocate
Mr. Shubham Samrat, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with



Marhowrah P.S. Case No. 611 of 2025 instituted for the offence under Sections 310(4), 310(5), 317(2), 317(5), 111 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections 18 & 22 of the NDPS Act.

3. The prosecution case, in brief, is that on 30.08.2025, on secret information, the police raided a mango orchard where petitioners were apprehended along with others while allegedly planning to commit an offence. Upon search, three foldable knives were recovered from their possession, one from each, and they allegedly confessed their involvement in acts of snatching and robbery. It is also alleged that there is recovery of 6.20 grams smack from other co-accused person.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 31.08.2025. Petitioner, namely, Chhotu Mishra bears four criminal antecedents, whereas petitioners, namely, Aasif Kumar and Vikash Kumar Tiwary bear no criminal antecedent, as per disclosure made in the paragraph No. 3 of the bail applications.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with



the alleged recovery of knives. There is no compliance of Section 103 of the BNSS, 2023. No contraband was recovered from the petitioners' possession, rather the same was recovered from co-accused. Even though, if the recovery of contraband is taken on its face value, the same is below small quantity, hence, there is no bar under Section 37 of the NDPS Act. There is no compliance of Sections 42 and 50 of the NDPS Act. Other co-accused has been granted bail by this Court vide order dated 20.01.2026, passed in Cr. Misc. No. 81868 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Marhowrah P.S. Case No. 611 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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