

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91325 of 2025

Arising Out of PS. Case No.-389 Year-2025 Thana- KAUWAKOL District- Nawada

Rohit Kumar Son of Jayprakash Turiya R/o Village - Lalpur, P.S.- Kawakol,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 15-01-2026 1.By means of this bail application, petitioner, who is involved in connection with Kawakole PS case no.389 of 2025 registered for the offences under Sections 303(2), 317(2), 317(5) of B.N.S. seeks enlargement on bail during the pendency of trial.

2.On the matter being taken up, learned counsel for the petitioner is present but none appears on behalf of the State whereas name of Mr. Mohammed Arif, learned A.P.P. is shown in the cause-list, hence this Court has no option but to hear the argument of learned counsel for the petitioner and decide this bail application after perusing the material on record.

3. Heard the learned counsel for the petitioner.

4. The prosecution case in brief is that the informant had parked his motorcycle on 17.09.2025 in front of the shop of one



Rajendra Vishwakarma and was getting his tractor repaired. Later on, the motorcycle was not found at that place and he came to know that Rohit Kumar (petitioner) was seen with the motorcycle. It is alleged that on 18.09.2025, when he was going to the house of petitioner for inquiring about his motorcycle, then the petitioner told him that he was in possession of his stolen motorcycle. On the basis of the same, F.I.R. was registered.

4.It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. It is submitted that the police after showing the recovery of one motorcycle from the possession of petitioner, implicated him in the present case. Much emphasis has been given by contending that the motorcycle which was recovered by the police bears Engine No. HA11EDHHC47009, Chassis No.-MBLHAW120MHC25452, whereas F.I.R. was lodged with regard to different motorcycle bearing Engine No.-A11ESPHF84445, Chassis No.-MBLHAW234PHFC0996, which is registered in the name of informant's sister-in-law Puja Kumari wife of Pawan Kumar and till date the said motorcycle of the informant has not been recovered by the police. The petitioner, has criminal history of six cases in which he is on



bail. Averments in this regard have been mentioned in paragraph no.3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 19.09.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5.Having heard the submissions of learned counsel for the parties and perused the record, I find that the motorcycle in question, regarding which F.I.R. was lodged has not been recovered by the police. The investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

6.In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner,



submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

7. Accordingly, the bail application of the petitioner stands allowed.

8. Let the petitioner namely Rohit Kumar be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly involve in any criminal activity after being released on bail.



(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

9.It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

10.The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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