

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91996 of 2025

Arising Out of PS. Case No.-204 Year-2024 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

Mukesh Nishad Son of Late Mahesh Nishad @Mahesh Mandal R/o Village -
Lailakh, P.S. - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Bhagalpur G.R.P.S. Case No. 204 of 2024 dated 13.11.2024
registered for the offence punishable under Sections 303(2),
317(2), 317(5), 317(4) and 61(2) of the Bharatiya Nyaya
Sanhita, 2023.

3. The prosecution case, in short, is that the
informant was travelling in Katwa local train No. 03440 and
was going to Ekchari with her two children. She was having
a trolley bag of purple colour in which all her jewellery, hand
purse and ticket was lying which was kept on upper rack.



When train started, two persons came and stood in front of her and thereafter, four five persons came and assembled there and among those persons, one person pressed the leg of her child so he started crying. She became busy to relax her child. In the meantime, two persons climbed on the upper rack. When train started, she saw that all those six people, who were standing in front of her, all of them were fleeing from platform No. 02 and her lady purse was with them. On suspicion, she searched her trolly bag and found that trolly bag was opened and all the jewellery was missing. It is further alleged that the informant reached at Lailakh Station with her husband and met son of Mukhiya, namely, Mukesh Nishad who told her that your stolen articles are safe and sound. You will get it if you spend some money. Thereafter, he told the informant to go. She left Bhagalpur and when she was on the way, she received a call on her mobile and received a message from other side that all the jewellery are safe and you will get it if you come worth Rs. 50,000/- and when she met with Rahul with Rs. 50,000/- he began to demand Rs. 1,50,000/- and assured that she will get all the jewellery. She gave a time for one



day. On the next day he got information from Rahul that all the jewellery has been sold to the petitioner and others which were 63 gms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that nothing has been recovered either from conscious possession of the petitioner or from his house. Only on the basis of suspicion, the petitioner has been made accused in this case. It is further submitted that the F.I.R. has been lodged after seven days of the occurrence without any plausible explanation for the delay. It is submitted that petitioner's bail application has been rejected on the basis of his past criminal antecedents. Lastly, it has been submitted that the petitioner is in custody since 18.09.2025, having nine criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing



bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-Railway Magistrate, Bhagalpur in connection with G.R.P.S. Case No. 204 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this



order and shall appear every fortnightly to mark
his attendance till conclusion of the trial.

(Khatim Reza, J)

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