

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92036 of 2025

Arising Out of PS. Case No.-255 Year-2025 Thana- DHORAIYA District- Banka

1. Shailendra Sah @ Shelendra Sah @ Huro Sah S/O Late Bangali Sah R/O Village- Ghasiya, P.S- Dhoraiya, Distt.- Banka.
2. Amrit Sah @ Amrit Kumar S/O Shailendra Sah @ Shelendra Sah @ Huro Sah R/O Village- Ghasiya, P.S- Dhoraiya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dhoraiya P.S. Case No. 255 of 2025, registered for the offences punishable under Sections 317(5) and 3(5) of the B.N.S., 2023.

3. The allegation against the petitioners is of involved in sale and purchase of stolen motorcycle and on the alleged date of occurrence, one motorcycle having without number plate was recovered from the shop of the petitioners.

4. Learned Advocate for the petitioners submitted that on the fateful day, one customer had come on his motorcycle to



sell some junk materials, however, noticing the police party, it is he, who succeeded in fleeing away, after leaving the motorcycle. The petitioners have nothing to do with the motorcycle, moreover, it has not been disclosed till date that the motorcycle, in question, was subject matter of which offence. It is further contended that admittedly the offence, as alleged in the FIR, are punishable up to seven years and, as such, the police must record reason showing necessity of arrest, as contemplated in Section 41(A) of Cr.P.C./ Section 35(3) of the BNSS, 2023. To support the aforesaid contention, reliance has also been placed on a decision of the Apex Court in case of *Arnesh Kumar Vs. State of Bihar & Anr., [(2014) 8 SCC 273]*. It is lastly contended that be that as it may, the petitioners are father and son, having fair antecedent, and they undertake before this Court that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the aforementioned submissions, as also the mandate of the Apex Court in case of *Arnesh Kumar* (supra), besides their fair



antecedent, let the petitioners above named be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- I, Banka in connection with Dhoraiya P.S. Case No. 255 of 2025, 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 petitioners.

(Harish Kumar, J)

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