

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-III, KATIHAR
BAIL PETITION NO. 337/2026
(Arising out of Azamnangar P.S. Case No. 405/2024)

Dharam Sah ... Petitioner

Versus

The State of Bihar ... Opposite Party

Ld. Counsel for the Petitioner:- Sri Sumit Kumar Mukherjee, Advocate
Ld. Counsel for the State :- Sri P.N. Singh, APP

Date of hearing/Disposal: 27.05.2026

ORDER

A regular bail petition has been filed on behalf of the accused petitioner namely (1) Dharam Sah, who is in jail custody since 03.05.2025 in connection with Azamnangar P.S. Case No. 405/2024 for the offence registered U/S 305, 334(1) of BNS. The copy of the same has already been duly served to the Ld. Addl. P.P. for the State.

Heard the Ld. counsel for the petitioner and the learned A.P.P. for the State.

The Ld. counsel of the petitioner has submitted that no B.P. or A.B.P. on behalf of the accused petitioner has been filed or moved earlier before this court or before the Hon'ble High Court, Patna. The petitioner is quite innocent and has committed no offence and he has been falsely implicated in this case. That the petitioner has five criminal history. The petitioner is not named in the FIR. The name of the petitioner surfaced on the basis of confessional statement of the co-accused. Petitioner is languishing in judicial custody since 03.05.2025. The petitioner is local man and no chance of his absconding. The petitioner is ready to furnish local and solvent bailors to the satisfaction of the court. Accordingly, prayed to grant bail.

On the other hand, the Ld. Addl. P.P. vehemently opposed the prayer of B.P. filed on behalf of the above named accused petitioner and submitted that the petitioner has committed the alleged offence under well planned manner. Hence, it is requested to reject the petition of the above named accused petitioner.

The case of the prosecution, in brief, is that on 26.10.2024 at about 08:00 PM, the complainant had parked two motorcycles, a Hero Splendor and a Hero Glamour outside his house. He also had a Vivo V30E mobile phone. When he woke up at 05:00 Am on 27.10.2024, he found that the door had been broken and both motorcycles and mobile phone were missing. The complainant believes that an unknown thief stole the vehicles and phone. Hence, the present case.

Heard rival submission of the Ld. counsel on behalf of the accused petitioner and the Ld. Add. P.P. for the State and perused the LCR. The present Azamnangar P.S. Case No. 405/2024 for the offence registered U/S 305, 334(1) of BNS against the accused person. The petitioner is not named accused of the FIR and no recovery of the

stolen motorcycles or mobile phone was made from the conscious possession of the petitioner. The name of this petitioner surfaced in this case on the basis of confessional statement of co-accused. The investigation is complete and police has submitted charge-sheet. Moreover, this case is based on mere suspicion and subsequent investigation without any direct evidence of the petitioner's involvement. Petitioner is in judicial custody since 03.05.2025 and he is also ready to cooperate during course of trial of this case. There is no chance of absconding or tampering with the evidence.

Hence, considering the above facts and circumstances as well as the period of custody, I find it judicious to enlarge the above named accused petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each to the satisfaction of the Ld. Court below.

(Sd/-)

(Sunil Kumar Singh-III)
D.A.S.J.- III, Katihar
27.05.2026