

In the Court of Sessions Judge, Supaul
B.A.-142/2026, BA-159/2026 & BA-164/2026
(Arising out of Kishanpur P.S. Case No.25/2026)

	<p style="text-align: center;"><u>BA-142/2026</u></p> <p>Sanjay Dagra Kale, S/o- Dagra Kale, R/o- Kalebari, PS- Atpadi, District- Shangli (Maharashtra); Accused/Petitioner Vs. State of BiharO.P.</p> <hr/> <p style="text-align: center;"><u>BA-159/2026</u></p> <p>Md. Mumtaj @ Biru, S/o- Md. Samil @ Buchu Miyan, R/o- Tharbitta, Ward No.09, PS- Kishanpur, District- Supaul; Accused/Petitioner Vs. State of BiharO.P.</p> <hr/> <p style="text-align: center;"><u>BA-164/2026</u></p> <p>Mehadi Alam, S/o- Md. Kalam, R/o- Tharbitta, Ward No.13, PS- Kishanpur, District- Supaul; Accused/Petitioner Vs. State of BiharO.P.</p>	
<u>24/03/26</u>	<p>Ld. Counsel for petitioners Sri. Sanjay Kumar Singh, Sri. Dinesh Prasad Yadav and Sri. Praveen Kumar Mehta, Advocates. Ld. PP Sri. J.N.Pandey, for the State.</p> <p>By this order we are going to dispose off altogether three bail applications i.e., BA.No:- 142/2026 filed on behalf of accused/ petitioner, namely Sanjay Dagra Kale, who is in judicial custody since 29.01.2026, BA No:- 159/2026 filed on behalf of accused/ petitioner namely Md. Mumtaj @ Biru, who is in judicial custody since 15.02.2026 and BA No:-164/2026 filed on behalf of accused/ petitioner, namely Mehadi Alam, who is in judicial custody since 28.01.2026. As all these three bail applications arises out of same P.S. i.e., Kishanpur P.S. Case No.25/25 u/s- 334(1), 307 of B.N.S.</p> <p>Ld. counsel for the accused/ petitioners argued that accused/ petitioners are quite innocent and have committed no crime and they have falsely been implicated in this case due to local politics and enmity. They further submitted that accused/ petitioner Mehadi Alam is also involved in two other criminal cases. However, accused/ petitioners Sanjay Dagra Kale and Md. Mumtaj @ Biru have not involved in any other case and having the clean antecedent. They further submitted that accused/ petitioners are not named in FIR and the offence as alleged in FIR is not applicable against the accused/ petitioners. They further submitted that no any incriminating articles has been recovered from the possession of the accused/ petitioner. It is also submitted that all the accused/ petitioners are in judicial custody since 29.01.2026, 15.02.2026 and 28.01.2026 respectively and and no useful purpose would be served by keeping the accused/ petitioners behind the bar.</p> <p>Ld. PP for the State strongly opposed the prayer of bail application.</p> <p>In brief, the prosecution story is that on dated 27.01.2026 at about 05:00 A.M., the night</p>	Contd.

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guard Naresh Bahadur has informed the informant that some unknown persons have committed theft in his shop and in the shop of his brother namely Chhotu Swarnkar and cousin brother Rajesh Swarnkar and the accused persons have taken away the silver and golden jewelries as well as weighing machine. Thereafter, the informant arrived at Tharbitta and saw that the lock of his shop was broken and from his shop silver *Bichiya* 10 piece, silver anklet 5 pairs, silver Mangalsutra 3 piece, total weight 700 grams and golden nose-pin 10 piece, total weight 60 grams and one weighing machine. Similarly, from his brother's shop artificial statue- 20 piece, silver ring- 10 piece, silver *Bichiya*-10 piece, total weight 60 grams and one weighing machine and from the shop of Rajesh Swarnkar; 4 silver coin, silver plate weighing 60 grams, partly prepared silver jewelries weighing 100 grams and one weighing machine. The accused persons also destroyed the DVR of CCTV Camera and the accused persons also assaulted the night guard and tightened his hands and legs. Thereafter, local persons has informed the police and the night guard was taken to PHC Kishanpur. On the basis of the above-said written application of the informant, the FIR was registered against the unknown persons.

Argument heard from both sides and perused the record as well as case diary. Admittedly, all these three accused/ petitioners are in judicial custody since 29.01.2026, 15.02.2026 and 28.01.2026 respectively. As per para No.2 of the case diary, first of all the police has apprehended the accused Mehadi Alam and he disclosed to the police that he along with 3 other accomplices have committed this crime and on the basis of the disclosure statement of accused Mehadi Alam, the police has conducted a raid at the house of accused Md. Dilshad but he was not present at his house and from the house of Md. Dilshad the stolen jewelries were recovered. Thereafter, the seizure-list was prepared and further on the basis of disclosure statement, a raid was conducted at Gudari Bazar, Supaul at the shop of Suhagan Jewelers and the proprietor of the shop namely Sanjay Dagra Kale was apprehend and he has not explained the availability of the stolen articles at his shop. As per para No.19, 20 and 21 of the case diary, the police recorded the re-statement of the informant and the statement of the witnesses namely Rajesh Swarnkar and Chhotu Swarnkar and in para No.22 of the case diary, the police also recorded the statement of the local night guard namely Naresh Bahadur. The police has also recorded the statement of the recovery witnesses namely Rajesh Kumar and Kishor Kumar and in their presence the police has recovered the stolen jewelries from the shop of Suhagan Jewelers. In para No.41 of the case diary, the police also collected the call details of the mobile phone numbers used by the accused persons and as per para No.44 of the case diary, on the basis of secret information, the police has apprehend the accused Md.Mumtaj @ Biru from Tharbitta, Ward No.13. As per para No.53 of the case diary, the accused/ petitioner Mehadi Alam is also involved in two more cases bearing Kishanpur PS Case No.35/23 and Kishanpur PS Case No.03/24. However, the accused/ petitioners Sanjay Dagra Kale and Md. Mumtaj @

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Biru are having the clean antecedent. On minute scrutiny of the entire case diary, it transpires that in the intervening night of 26/27-01-26, the accused persons have committed the theft at the shop of the informant and his brother's shop. In this case the police has apprehend the accused Mehadi Alam and recorded his confessional statement and on the basis of his confessional statement, the police has conducted the raid at the shop of Sanjay Dagra Kale and from his shop, the stolen articles was recovered. Similarly, the police has also conducted the raid at the house of accused Md. Dilshad and from his house the stolen articles was also recovered. The confessional statement of accused Mehadi Alam recorded by the police is duly corroborated by the recovery of stolen articles from their respective house and shop. It is also pertinent to mention here that the accused/ petitioner Sanjay Dagra Kale is the resident of District- Shangli (Maharashtra) and the Proprietor of Suhagan Jewelers Shop. The allegation against these accused/ petitioners are very serious in nature as these accused persons have committed the theft at three shops in one night and the recovery was effected on the basis of confessional statement of the accused persons. Besides this, accused/ petitioner Mehadi Alam is also involved in two more criminal cases. The investigation of this case is in primary stage. There is the strong apprehension of tempering of the prosecution evidence by the accused/ petitioners.

Hence, taking into consideration the seriousness of the allegation, I find that all these three accused/ petitioners are not entitled to be enlarged on bail. Therefore, the bail application, filed on behalf of all three accused/petitioners, namely Sanjay Dagra Kale, Md. Mumtaj @ Biru and Mehadi Alam, stands **Rejected**.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul