

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17819 of 2023**

Arising Out of PS. Case No.-85 Year-2022 Thana- GANGABRIDGE District- Vaishali

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AVINASH KUMAR S/O RAMA PRASAD SINGH Resident of Village-  
Rahimapur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      25-05-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Ganga Bridge P.S. Case No 85 of 2022 for the offence under Sections 457 and 380 of the I.P.C. lodged on 11.04.2022 by the informant Sanjay Kumar.

The prosecution story, in brief, is that on 09.04.2022, an 11 to 2:30 in night the incidence of thief has been committed and from the house of informant Mobile Phone, Laptop, and cash Rs 3,00,000/- and ear ring has been theft. Accordingly, the F.I.R.

Learned counsel for the petitioner submit that the only allegation against the petitioner has come in the confessional statement of the accused person that he purchased a mobile although in the confessional, it has come that he sold mobile to



one Avinash Kumar from Rajasan village but actually he is resident of Rahimapur.

Learned APP opposes the prayer stating that he purchased the stolen mobile.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, F.I.R. lodged, ultimately will have to face the trail, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No 85 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

Ravi/kiran/-

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