

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5628 of 2025

Arising Out of PS. Case No.-251 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Amit Kumar S/O Vinod Paswan R/O Village- Sinduria or Sinduthia, P.S-
Barun, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr. Babu Nandan Prasad, learned counsel
for the petitioner and Mr. Suresh Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sasaram (Muffasil) P.S. Case No. 251 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Section 379 of the Indian Penal Code.

3. According to prosecution case, informant alleged that on 10.05.2023, unknown thieves have stolen iron made equipments which are being used in construction of railway bridge.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



alleged as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and merely on the basis of the suspicion the petitioner has been made accused in the present case. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 10.05.2023 but the present FIR has been instituted on 17.05.2023 after a delay of 7 days without giving any explanation for the delay in fact the petitioner was a guard of the Parmar Security Service and merely on the basis of the suspicion he has been made accused in the present case and except the suspicion no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused person, namely Ravi Prakash against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 18390 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 251 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of B.N.S.S., 2023 and with other following conditions:-

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

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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