

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5761 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- TIKAPATTI District- Purnia

Pappu Kumar @ Pappu Mandal Son of Shambhu Mandal R/O-Village- Dumri Bazar, Ward No. 10, Koili Semra, Ayodhyaganj Bazar, PS- Tikapatti, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioner and Ms. Pronoti Singh, learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Tikapatti P.S. Case No. 156 of 2024, F.I.R. dated 11.09.2024 registered for the offences punishable under Sections 334(1)/303(2) of B.N.S.

3. Allegation against the petitioner is of committing theft of battery and the battery was under closed box of *Tina*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 17.08.2024 but the present F.I.R. was instituted on 11.09.2024 after delay of more than 24 days without giving any explanation of delay. He further submits that the looted battery has been recovered from the possession of co-accused person and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and F.I.R. was instituted after delay of 24 days, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Tikapatti P.S. Case No. 156 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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