

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7619 of 2025**

Arising Out of PS. Case No.-385 Year-2023 Thana- KUSHESHWARASTHAN District-  
Darbhanga

Vikesh Kumar S/O Shankar Yadav R/O Vill.- Pipra, Chandauli, P.S.- Bithan,  
Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                |
|----------------------------|---|----------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Shishir Kumar Shishir, Adv.<br>Mr. Binod Kumar Sinha, Adv. |
| For the Opposite Party/s : |   | Mr. Dr.Mrityunjaya Kr.Gautam, APP                              |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**  
**ORAL ORDER**

2      17-02-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Kusheshwar Asthan P.S. Case No. 385 of 2023 instituted for the  
offences under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, the bike of the Informant  
bearing Regd. No. BR07AQ-0763 was stolen from the door of  
his house. The Informant tried to search the same a lot but, all  
his efforts went in vain and the motorcycle was not found.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence at all as  
alleged against him rather he has falsely been implicated in the  
present case with a view to cause harassment. The petitioner is



not named in the F.I.R. rather he has been remanded in this case from the Alauli P.S. Case No. 7 of 2024. Nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner further submits that from Para-32 of the case diary, it appears that the petitioner was arrested by the police of Alauli police station on 05.01.2024 riding on a motorcycle and, from his paint, one country made pistol was also recovered for which F.I.R. bearing Alauli P.S. Case No. 7 of 2024 was instituted and it is alleged that said motorcycle recovered from the petitioner is the theft motorcycle of the present case i.e. Kusheshwar Asthan P.S. Case No. 285 of 2023. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 27.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has one criminal antecedent of the Arms Act and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kusheshwar Asthan P.S. Case No. 385 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

**(Rudra Prakash Mishra, J)**

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