

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9437 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- ATRI District- Gaya

Saurabh @ Saurabh Kumar @ Saurav Kumar, S/O Amit Kumar, R/O Village - Sukhebigha, P.S.- Atri, District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Puja, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Atri P.S. Case No. 298 of 2024 registered for the alleged offences under Sections 127(1), 127(2), 115(2), 3(5) and 132 of BNS 2023.

03. As per prosecution case, the police received information about smuggling of illicit liquor on a motorcycle and after a while, a person was found coming on a motorcycle carrying a bag. When the said person was stopped and being searched, he started scuffle with the informant, meanwhile 3-4 persons came from Scorpio and started assaulting the informant. Upon seeing the police vehicle, they tried to flee away, but one of the accused persons, namely Piyush Raj, was apprehended. The apprehended

accused disclosed the name other co-accused persons. The name of the petitioner transpired in the investigation as the owner of the Scorpio vehicle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a 19 year old boy and he is not the owner of the seized vehicle as alleged. The petitioner has nothing to do with the said vehicle nor with the other co-accused persons. The petitioner has been doing some small jobs in Delhi to support his family and does not even stay near the place of occurrence. Nothing incriminating has been recovered from the house of from the conscious possession of this petitioner. The petitioner is having clean antecedent and has been falsely implicated.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that during the investigation, the police came to know about the petitioner, who owns the said vehicle in which the miscreants arrived at the place of occurrence and assaulted the police party.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and considering the specific plea that the vehicle through which the petitioner has been connected to the

offence, is not owned to him, and also considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned CJM, Gaya in connection with Atri P.S. Case No. 298 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) Before accepting the bail bond of the petitioner, the learned Trial will verify about the ownership of the vehicle and if the petitioner is found to be the owner of the alleged vehicle,

his bail bond will not be
accepted.

(Arun Kumar Jha, J.)

Jyoti Kumari/-

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