

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15289 of 2025

Arising Out of PS. Case No.-79 Year-2020 Thana- PHULWARIYA District- Gopalganj

Vishal Kumar @ Vishal Kumar Singh Son of Shree Ram Singh Resident of
Deurwa, Gadi Tola, Sangwa Dih, P.S.- Gopalpur, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Mr. Indrajeet Bhushan, learned counsel for
the petitioner as well as Mr. Lakshmi Kant Sharma, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Phulwariya P.S. Case No. 79 of 2020, F.I.R.
dated 16.03.2020 for the offences punishable under Sections
379/34 of the Indian Penal Code.

3. According to prosecution case, the informant
had gone to his relative place and parked his motorcycle at the
door. It is alleged that some unknown thieves have stolen his
motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named



in the FIR, the name of the petitioner transpired on the basis of confessional statement of the co-accused person, namely, Jakir Mia @ Jakir Ansari and except the aforesaid, there is no other material came during the investigation which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one which is pending against the petitioner.

6. Considering the aforesaid facts and circumstances that name of the petitioner transpired on the basis of disclosure made by the co-accused person, 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 Judicial Magistrate-1st Class, Gopalganj in connection with Phulwariya P.S. Case No. 79 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 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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