

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15161 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- RAUTARA District- Katihar

Mukesh Yadav @ Makru Son of Late Sukhari Yadav Resident of Mohalla-
Officers Colony Mirchaibari Katihar PS -Sahayak Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shaheb Alam son of Md. Ansar village- Shekh Tola, Binodpur, Ps- Rautara,
Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Narayan Yadav, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Mr. Satya Narayan Yadav, learned counsel for
the petitioner and Mr. Bharat Lal, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rautara P.S. Case No. 85 of 2024, F.I.R. dated 03.10.2024 registered for the offences punishable under Sections 331(4), 305(A) of B.N.S. Act.

3. The prosecution case, in brief, is that on 02.10.2024 informant parked his motorcycle and kept his mobile in his house. When he woke up in the morning he saw his mobile phone and motorcycle were missing. He searched his motorcycle and mobile, but not found.

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 in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person, 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, Katihar in connection with Rautara P.S. Case No. 85 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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