

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25551 of 2025

Arising Out of PS. Case No.-157 Year-2024 Thana- KARTAHA District- Vaishali

Rishab Kumar S/O Sanjeev Kumar @ Sanjeev Kumar Singh @ Sanjiv Kumar
Singh R/O Chandbara, P.S.- Kartaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Aryan Singh, learned counsel for the
petitioner and Mr. Uday Chand Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kartaha P.S. Case No. 157 of 2024, F.I.R. dated
26.12.2024 for the offences punishable under Sections 303(2)
and 62 of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the FIR
named accused persons including the petitioner came riding on
a motorcycle and were stealing submersible machine. When
informant and other reached near the thief, two co-accused
apprehended and the petitioner fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case on the basis of the confessional statement made by the co-accused persons and except the confessional statement made by the co-accused person, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the co-accused persons, namely, Chhotu Kumar and Haricharan Kumar were apprehended and as per allegation in the F.I.R., the petitioner also accompanied them and allegation against the petitioner is that he escaped from the place of occurrence. He further submits that it appears from the F.I.R. itself that date of occurrence in the F.I.R. is 21.12.2024 but the present F.I.R. was instituted on 25.12.2024 after arrest of the accused persons, namely, Chhotu Kumar and Haricharan Kumar.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the



bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts, the name of the petitioner has been transpired on the basis of confessional statement made by the co-accused persons, 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 Additional Chief Judicial Magistrate-I, Vaishali in connection with Kartaha P.S. Case No. 157 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 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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