

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31055 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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Amit Kumar Giri @ Amit Giri @ Amit Kumar S/o Brijmohan Giri Resident
of Vill.- Asharfi Sah Tola, P.S.- Turkauliya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2025 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel for the petitioner and Mr. Md. Ataur Rahman,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dumariya Ghat P.S. Case No. 268 of 2024,
F.I.R dated 02.11.2024 registered for the offences punishable
under Section 310(2) of the BNS 2023.

3. As per prosecution case as alleged by the informant
that while he along with one Somnath Yadav was going from
Gazipur to Motihari being loaded with 58 sacks of green chilli
on the pickup van bearing Registration No. UP61AT-9311 and
as soon as they reached near Dumariya Ghat Pool, they were
intercepted by accused persons who were in a Bolero Vehicle. It



is further alleged that they along with their pickup van were kidnapped on the point of gun by the accused persons but later on the informant and Somnath Yadav were released after snatching their mobiles.

4. Learned counsel for the petitioner submits that the petitioner has got clean antecedent and falsely been implicated in the present case. He further submits that from the F.I.R itself, it appears that the petitioner is not named in the FIR. He has been implicated in this case only on the basis of confessional statement made by one co-accused, namely, Harun Akhtar and recovery of the said looted pickup van has been made from the possession of one Md. Ali Akhtar. Petitioner has no role in the said occurrence except the confessional statement made by the co-accused.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner submitting that the co-accused, Harun Akhtar has disclosed his name in his confessional statement but fairly submits that he has not been named in the FIR.

6. Considering the aforesaid facts, petitioner has not been named in the FIR, has got clean antecedent, nothing has been recovered from conscious possession of the petitioner



rather the looted pickup van has been recovered from the possession of one Md. Ali Akhtar, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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