

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32566 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- MEHSI District- East Champaran

Nitesh Ray S/o- Gajendra Ray Resident of village - Mithanpura Kannhi, P.S.-
Mehsi, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mehsi P.S. Case No. 165 of 2024 registered for the offence punishable under Sections 112(2), 317(4), 317(5), 3(5) of B.N.S., 2023.

3. As per prosecution case, on the basis of secret information, informant and other police officials reached at poultry farm of co-accused Dipak Kumar and recovered two motorcycles. It is further alleged that apprehended co-accused Dipak Kumar failed to produce any document regarding the said



motorcycles. Apprehended co-accused Dipak Kumar disclosed that petitioner and others are involved in bringing the stolen motorcycle from somewhere and hiding the same in the poultry farm of co-accused Dipak Kumar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Except disclosure of apprehended co-accused Dipak Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner bears no criminal antecedent. No looted article has been recovered from possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern either with co-accused Dipak Kumar or with the seized motorcycle. Petitioner has nothing to do with the alleged occurrence. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Motihari, East Champaran/ concerned court in connection with Mehsi P.S. Case No. 165 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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