

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38267 of 2025

Arising Out of PS. Case No.-1414 Year-2024 Thana- MADHEPURA District- Madhepura

Jyotish Kumar @ Jyoti Kumar @ Jyoti Son of Wakil Yadav Resident of
village - Jhitkiya, Ward No.- 7, P.S.- Madhepura, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr.Uday Chand Prasad, learned counsel for
the petitioner and Mr.Nirmal Kumar Sinha, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura (Ghailarh O.P.) P.S.Case No.1414 of 2024, FIR dated 16.12.2024 registered for the offences punishable under Sections 303(2), 317(2) of B.N.S. Act.

3. As per written-report of informant Kailash Yadav, allegation is that on 15.12.2024 at about 11:00 hours in the night, when the petitioner and one another were attempting to commit theft of informant's 'Pump-set-motor' on motorcycle, one of the thieves Navin Kumar was caught hold by the informant and petitioner Jyoti Kumar managed to escape from the spot. Subsequently, it was informed to local police and the



apprehended person was handed over to local police with the motor and motorcycle.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per allegation in the FIR, one Navin Kumar and petitioner attempted to commit theft of informant's Pump-Set-motor on motorcycle and they were apprehended by the informant and as per allegation, the petitioner has escaped from the place of occurrence and Navin Kumar was caught hold by the informant. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner has been made accused in the present case due to ulterior motive and petitioner has no concern at all with the co-accused person, namely, Navin Kumar.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and name of the petitioner has been transpired during investigation on the basis



of the disclosure made by 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura (Ghailarh O.P.) P.S.Case No.1414 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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