

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35665 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- MALSALAMI District- Patna

Chandan Kumar Son of Police Rai @ Amar Nath Rai Resident of - Damrahi
Ghat, P.S.- Malsalami, District - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Singh, Advocate
For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-06-2025 Heard Mr. Nikhil Kumar Singh, learned counsel for the
petitioner and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Malsalami P.S. Case No. 445 of 2024, F.I.R. dated 22.09.2024 registered for the offences punishable under Sections 317(2), 317(5) and 3(5) of B.N.S.

3. The prosecution case, in brief, is that on 21.09.2024 at about 10:40 P.M. the informant along with other police personnel were on patrolling duty and they saw a boy going with a motorcycle. He was stopped and on suspicion, documents were demanded. The boy disclosed his name as Mukesh Kumar and he did not produce any document and told that it was stolen motorcycle which was given to him by Chandan Kumar and are going to delivering to a party.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused person namely Mukesh Kumar. He further submits that the police has conducted a raid in the house of the petitioner but no incriminating article has been recovered from the house of the petitioner and except the confessional statement of co-accused person, 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, on the other hand, has opposed the prayer for anticipatory bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person.

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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Patna City, Patna in connection with Malsalami P.S.



Case No. 445 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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