

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36729 of 2025

Arising Out of PS. Case No.-149 Year-2022 Thana- TAJPUR District- Samastipur

Chhotu Kumar @ Chhotu Rai @ Chotu Kumar S/o Bhuneshwar Ray @
Bhunni Ray R/o Village- Ajana, P.S.- Kalyanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2025 Heard Mr. Surya Narayan Roy, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No. 149 of 2022, F.I.R. dated 03.04.2022 for the offences punishable under Section 379 of the Indian Penal Code.

3. According to prosecution case, the motorcycle of the informant which he brought from his friend was stolen by someone which was parked outside his house.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of the confessional statement of the co-accused, namely, Abhishek Kumar and the recovery was made from the possession of the said Abhishek Kumar. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it appears from the F.I.R that the occurrence took place on 19.12.2021 but the present F.I.R has been instituted on 03.04.2022 i.e., after delay of about 3 ½ months without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person and apart from that the petitioner carries five criminal antecedents 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 all the five cases.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, 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-1 Samastipur in connection with Tajpur P.S. Case No. 149 of 2022, 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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