

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36908 of 2025

Arising Out of PS. Case No.-127 Year-2025 Thana- BANJARIA District- East Champaran

Sandeep Kumar son of Suresh rai Resident of village - Chailahan pakadiya,
Ps- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Banjariya P.S. Case No. 127 of 2025 for the offence under Sections 309(4) of the Bharatiya Nyaya Sanhita, lodged on 27.02.2025 by the informant, Ranjan Kumar.

3. As per the prosecution story, the informant who is a Rickshaw puller alleged that while returning four accused on two motorcycles came and after surrounding him took away Rs.5200/- as well as mobile which followed the F.I.R.

3. Learned counsel for the petitioner submits that he is a young person, having no criminal antecedent and is a student, though the investigation discloses recovery of motorcycle from Vinay Kumar, actually, it has not been recovered from him which has been recorded in the present petition on affidavit. Further, he has no relationship with Vinay Kumar and Satya Kumar who have been arrested. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay



Rs.10,000/- by Demand Draft to the poor Rickshaw puller (informant) issued by the local branch of the State Bank of India.

4. Learned APP opposes the prayer for bail submitting that the arrested persons have named this petitioner.

5. Considering the submissions put forward by the parties as also the materials on record couple with the fact that the petitioner had no criminal antecedent and it has been categorically mentioned in one of the paragraph that the motorcycle has been recovered from Vinay Kumar, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- by Demand Draft to the poor Rickshaw puller (informant) issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

6. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari, in connection with Banjariya P.S. Case No. 127 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following



conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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