

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38364 of 2025

Arising Out of PS. Case No.-569 Year-2019 Thana- KHAGARIA District- Khagaria

Amit Kumar @ Amit Kumar Singh S/o- Kedar Singh R/O- Karna, P.S.-
Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Khagaria P.S. Case No. 569 of 2019, registered for the offences punishable under Section 379 of the Indian Penal Code.

3. Allegedly, on 25.07.2019, the motorcycle of the informant was stolen away by some unknown thief, wherein some important documents were kept.

4. Learned Advocate for the petitioner submitted that soon after the institution of the FIR, the police apprehended one Rupesh Kumar and from whose possession the stolen motorcycle was recovered leading to institution of the FIR bearing Parbatta P.S. Case No. 288 of 2019. The apprehended co-accused Rupesh Kumar disclosed the name of Amresh



Kumar and Banti Kumar as his associates. Based upon the confessional statement, co-accused Amresh Kumar and Banti Kumar were apprehended and on their confession, a raid was conducted nearby the petrol pump. However, no motorcycle was found, but as the petitioner, who had been working as a staff in the petrol pump, his statement was recorded by the police and when he disclosed that both these accused persons had come with the motorcycle, the police also suspected his complicity. Save and except the aforesaid fact, there is no material; nonetheless, the petitioner was made accused in Parbatta P.S. Case No. 288 of 2019 wherein the petitioner has been accorded the privilege of anticipatory bail. With respect to the present case, verification of the name of the petitioner was done by the police in the year 2021 and further in the year 2023, a request was made by the Investigating Officer to the jurisdictional court seeking direction for issuance of warrant of arrest, which led to apprehension of arrest of the petitioner. It is lastly contended that it is the fact that at present no process under Sections 84 and 85 of the BNSS has been issued against the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner has approached this Court after a delay of six years.



6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that the FIR was instituted against unknown thief and the name of the petitioner has surfaced only in the year 2021 and later on in the year 2023, a direction for non bailable warrant was issued, coupled with the fact that there is no recovery of any incriminating material from the whereabouts of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria in connection with Khagaria P.S. Case No. 569 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

