

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38433 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- RAMGARHWA District- East Champaran

Avinash Yadav @ Avinash Kumar Yadav S/o Bagar Yadav R/o Village-
Bathwariya, Ward No. 9, P.S.- Bathwariya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 18-12-2025 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Asha Kumari,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Ramgarhwa P.S. Case No. 48 of 2024 registered under
Sections 341, 323, 393, 394, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the allegation made in the FIR, some
unknown accused tried to *loot* the informant but failed and they
fled away leaving their motorcycle having Chassis
No.MD625AF90P1B19317.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in the present case. He has no concern



with the alleged offence of robbery. The petitioner is the owner of the motorcycle bearing Chassis No.MD625AF90P1B19317. Nothing incriminating has been recovered from the conscious possession of the petitioner and only on the basis of suspicion he has been named in present FIR. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner, the learned District Court is directed to verify from the District Transport Officer concerned in respect of the seized motorcycle, as to whether, the same is registered in the name of the petitioner? In case, the same is registered in the name of the petitioner and is not stolen and the vehicle was being driven by some other person, the petitioner cannot be held responsible for the said act of the co-accused. In that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with



Ramgarhwa P.S. Case No. 48 of 2024, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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