

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44691 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- DINARA District- Rohtas

Abhishek Yadav @ Jitu S/O Prithvi Nath Yadav Village- Battwaliya, PS-
Buxar Industrial, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dinara
P.S. Case No. 07 of 2025 instituted for the offences under
Section 309(4) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against three
unknown persons is of snatching the motorcycle of the
Informant bearing Regd. No. BR-45R-2693 on the point of
Katta (country-made pistol). It is alleged that the motorcycle, in
question, belongs to the Informant's senior namely Ritesh
Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. the petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation. The police, in course of vehicle checking, arrested the petitioner with the motorcycle about which the petitioner has no knowledge. After arrest, the police took confessional statement of the petitioner which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. There is no independent eye-witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has eleven criminal antecedents and is languishing in judicial custody since 19.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner bears altogether 11 criminal antecedents.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dinara P.S. Case No. 07 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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