

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48072 of 2025

Arising Out of PS. Case No.-49 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Raushan Yadav @ Raushan kumar Son of Jitendra kumar Singh @ Jitendra
Singh R/o - Bahrar, P.S - Sasaram (M) District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the State : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2025 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph-1 of the bail petition, in

course of the day.

2. Heard Mr. Sanjay Kumar Tiwary, learned counsel
for the petitioner and Mrs. Shaheen Begum, learned APP for the
State.

3. The petitioner is apprehending his arrest in
connection with Aurangabad (T) P.S. Case No. 49 of 2022,
F.I.R. dated 02.02.2022 registered for the offences punishable
under Section 379 of the Indian Penal Code.

4. The F.I.R. of the occurrence of theft of motorcycle
is against unknown.



5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Kallu Yadav which was recorded in Sasaram Muffasil P.S. Case No. 52 of 2022 and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from that motorcycle in question has been handed over to the owner of the motorcycle.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases 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 the pending matters.

7. Considering the facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of disclosure made by apprehended co-accused person in another case, let the petitioner, above named,



in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (T) P.S. Case No. 49 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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