

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57548 of 2025

Arising Out of PS. Case No.-446 Year-2019 Thana- BRAHMPUR District- Buxar

Vikash Kumar Paswan, S/o Shivbihari Prasad, R/o Village- Lalu Dera (Lalu Ahir Ka (Dera), P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Brahampur P.S. Case No. 446 of 2019 dated 12.10.2019 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. As per allegation, some thieves have stolen the Motorcycle of the informant. However, after investigation, the final form was submitted by the Police closing the case for want of any clue in regard to the offender. However, subsequently, the same Motorcycle has been recovered from the petitioner in U.P. and consequently, Haldia P.S. Case No. 201 of 2022 has been registered in which the petitioner was arrested



and he has been released on bail also. But subsequently, in Bihar, the Police moved one application before learned Judicial Magistrate for permission to re-investigate the matter and hence, the matter is re-investigated, and as such, as per learned counsel for the petitioner, the petitioner has apprehension to be arrested in the present case. As a matter of law, two criminal cases cannot go on for the same offence against the same person. Both the FIR lodged in Bihar and UP should be merged. However, as long as the present FIR bearing No. 446 of 2019 registered in Bihar is going on, the petitioner may have apprehension of arrest in this case.

4. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Brahampur P.S. Case No. 446 of 2019 subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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