

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60686 of 2025

Arising Out of PS. Case No.-69 Year-2018 Thana- POTHIYA District- Kishanganj

Mota Hembram S/O Barso Hembram R/O Kachchakhuwa, P.S.-Pothia,
District- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Ram Prawesh Kumar, learned counsel for

the petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Pothia P.S. Case No. 69 of 2018, F.I.R. dated 08.05.2018 for
the offences punishable under Sections 447, 147, 148, 149, 386,
504, 506 of Indian Penal Code.

3. As per the First Information Report, the informant
alleged that the petitioner along with others entered the tea garden
of the informant and took away tea leaves worth of Rs.30-40,000/-
in two vehicles. It is further alleged that some of the miscreants
erected hut in the garden and they threatened the informant and
others to kill.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated



in the present case. From bare perusal of the FIR it appears that there is no specific allegation against the petitioner rather the allegation levelled against all the accused persons including the petitioner is general and omnibus and similarly situated co-accused persons, namely, Poresh Soren and others have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 07.11.2019 in Cr. Misc. No. 67514 of 2019 and other co-accused person, namely, Md. Shahid Alam has been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 27.08.2025 in Cr. Misc. No. 55182 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and there is no specific allegation against him and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pothia



P.S. Case No. 69 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 bond 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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