

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62538 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- NASRIGANJ District- Rohtas

Babudhan Chaudhary S/o Late Sushil Chaudhary R/o Village- Kowath, P.S.-
Dawath, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nasriganj P.S. Case no.338 of 2024 registered under sections 317(5) and 3(5) of the B.N.S, 2023.

3. As per prosecution case, the informant states that a Sumo vehicle was found in an abandoned condition. On inquiry it was found that the said vehicle was stolen one. It is further alleged that upon inquiry from a painter in the Garage he stated that co-accused Jinju @ Afroz and Rahul Kumar @ Deepak Kumar Patel had brought them for painting.

4. Learned counsel for the petitioner submits that from bare perusal of the F.I.R, it would be clear that the vehicle in question was found in an abandoned condition. The name of



the petitioner has transpired in this case only on confession of arrested co-accused Rahul Kumar @ Deepak Kumar made before police that the said vehicle had been given by the petitioner for liquor business. It is further submitted that the seizure list which is on record, does not bear any signature of the accused persons and also there is no independent witness to the seizure list indicating violation of mandatory provisions of search and seizure. The petitioner undertakes to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that petitioner has two criminal antecedents. In response, learned counsel for the petitioner submits that he is on bail in the said cases.

6. Taking into consideration the fact that the name of the petitioner has transpired on the confessional statement of co-accused made before police which as no evidentiary value and also there is no signature of co-accused on the seizure list, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Nasriganj P.S. Case no.338 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer as and when required till investigation is concluded against him.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay preferably within a period of two weeks.

(Soni Shrivastava, J)

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