

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70290 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- BHARGAMA District- Araria

Jaykant Kumar @ Jaykant Kumar Paswan S/o Surju Paswan Resident of
village- Sukaila, ward no 08, Police station- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mrs .Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for the
petitioner and Mrs. Gulnar Begum, learned APP.

2. The petitioner is apprehending his arrest in connection with Bhargama P.S. Case No. 171 of 2024 for the offence under sections 457, 380 and 34 of the Indian Penal Code lodged on 16.06.2024 by the informant, Prem Prakash.

3. As per the prosecution story, the informant alleged that in the night, he was sleeping after parking motorcycle and the mobile was left for charging in the veranda. Next morning, both the motorcycle and the mobile were missing. Later, it came to notice that Neeraj Yadav has a role to play who sold the motorcycle to Mukesh Swarnakar and mobile to this petitioner. On call, it was received and this petitioner returned the mobile. Thereafter, Neeraj Yadav was caught during committing theft in



the village and allegation is that Neeraj Yadav, Jaykant Kumar (petitioner herein) and Mukesh Swarnakar jointly commit theft. This led to the FIR.

4. Learned counsel for the petitioner submits that on the *bonafide* belief, the mobile was purchased from Neeraj Yadav while Mukesh Swarnakar as per the allegation, purchased the motorcycle from him, he had no role to play, has no criminal antecedent and if granted relief, shall be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that keeping the stolen mobile, his role cannot be ignored.

6. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent, main role of theft is on Neeraj Yadav, FIR is there and he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-First Class, Araria in connection with Bhargama P.S. Case No. 171 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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