

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73641 of 2025

Arising Out of PS. Case No.-35 Year-2020 Thana- OBRA District- Aurangabad

=====

Vishal Kumar @ Kallu @ Vishal Kumar Nag S/o Govardhan Nag Resident of
Village - Obra, P.S - Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code.

3. According to prosecution case, on 05.02.2020 at about 8:30 PM, acting on secret information, the informant and other police officers proceeded to the spot and found a Black Passion Pro motorcycle without a registration number standing near the City Star Jeans shop at Obra. When the police inquired with local people, they stated that the motorcycle belonged to the petitioner, Vishal @ Kallu. However, the petitioner's family members were unable to produce any documents for the vehicle. Consequently, the police prepared a seizure list, took the



motorcycle to Obra Police Station, and registered the present FIR.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the shop which is at the main road at Obra where some unknown persons had parked their motorcycle and merely on the basis of presumption that the said motorcycle parked at the shop belongs to the petitioner, the petitioner has been roped in the present case whereas nothing incriminating has surfaced on record to find his complicity in the commission of the said offence as also there is no independent witness of search and seizure which is said to have been prepared by the Police. At this stage, learned counsel for the petitioner fairly submits that though he has one criminal antecedent but is not akin to the present case and he is on bail in the said case.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that on the basis of presumption that the said motorcycle parked at the shop belongs to the petitioner, the petitioner has been roped in the present case and no incriminating material has been found to find his complicity in the commission of the said offence as also there is no independent witness of search and



seizure, which is said to have been prepared by the Police. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her 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 S.D.J.M., Daudnagar, Aurangabad, in connection with Obra P.S. Case No. 35 of 2020, 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) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

sharun/-

U		T	
---	--	---	--

