

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4540 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- Kavaiya District- Lakhisarai

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Ankit Kumar @ Kusha, Male, aged about 23 years, S/o- Late Nandkishore Saw, resident of Mohalla- Dalpatti, Naya Bazar, P.S.- Kabaiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Anand, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Kabaiya PS Case No.245 of 2025 dated 24.06.2025, instituted for the offence punishable under Sections 303(2) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in brief, is that the informant and his nephew parked their motorcycles in front of their house(s) in the night at about 10.00 PM and went to sleep. On the next day, both the motorcycles were not found at their parked places. On the basis of CCTV footage, it was found that one person was turning the motorcycles and later on, that person was found near Bazar Samiti, who was handed over to the



police.

4. Learned counsel for the petitioner submits that the petitioner was apprehended only on the basis of suspicion and his past antecedents. It is further submitted that the CCTV footage has not been identified by the informant. In the case diary, nowhere it is mentioned that the petitioner has been identified by the informant in the CCTV footage. From the seizure list, it is clear that only two mobiles and some cash have been recovered from the possession of the petitioner. Nothing incriminating has been recovered. Lastly, it is submitted that the petitioner is in custody since 25.06.2025 having four cases against him and charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, in Kabaiya PS Case No.245 of 2025, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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, and (v) that the petitioner within two weeks from the date of his release from custody shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the conclusion of the case.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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