

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5780 of 2026

Arising Out of PS. Case No.-401 Year-2023 Thana- BIDUPUR District- Vaishali

Abhishek Kumar @ Awinash Kumar S/O Raju Ray R/O Village- Kutubpur
Saidpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-02-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bidupur P.S. Case No.401 of 2023, F.I.R dated 13.07.2023 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

3. According to prosecution case, the informant, a driver of Auto Commercial (Dala body) vehicle No. BR31G-2792, stated that on 13.07.2023 at about 3:10 AM, he along with Ajay Kumar, staff of vegetable trader Deepak Kumar, left for the vegetable market at Mithapur, Patna. At around 3:40 AM, near Kutubpur Chowk under Bidupur Police Station, three to four youths on two motorcycles intercepted their vehicle. Two of the youths pointed country-made pistols at them and searched



their pockets. The informant was robbed of Rs.92,010/-, while Ajay Kumar was robbed of Rs.20,000/- and a mobile phone (SIM No. 9279909475). After committing the robbery, the accused persons, aged about 20–25 years, fled towards Kutubpur Kali Temple on their motorcycles.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and his name has transpired on the basis of confession made by apprehended co-accused persons, namely, Deepak Kumar and Nirbhay Kumar and nothing incriminating is said to have been recovered from his constructive possession rather the recovery is said to have been made from the other co-accused persons. The petitioner has one criminal antecedent which is not akin to the instant case. The petitioner is a man of means and is ready to abide by the terms and conditions in case privilege of anticipatory bail is extended in his favour.

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

6. Considering the aforesaid facts and circumstances that the name of the petitioner has transpired on the basis of confession made by apprehended co-accused persons, namely, Deepak Kumar and Nirbhay Kumar and nothing incriminating is



said to have been recovered from his constructive possession. 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 C.J.M., Vaishali at Hajipur, in connection with Bidupur P.S. Case No.401 of 2023, 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/known of the petitioner(s) who shall provide official document/personal affidavit 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)

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