

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9944 of 2026

Arising Out of PS. Case No.-101 Year-2025 Thana- THAKURGANJ District- Kishanganj

Bhagwan Jha Kabadi @ Bhagwan Jha S/o Shym Sundar Jha R/o Village -
Dhibri Shivpuri, P.S - Thakurganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
: Mr. Indrajeet Kumar, Advocate
For the State : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-02-2026 Heard Mr. Bhola Prasad, learned counsel for the
petitioner and Mr. Shailendra Kumar, learned APP representing
the State.

2. The petitioner is apprehending his arrest in connection with Thakurganj P.S. Case No. 101 of 2025 registered for the offence under Sections 303(2), 317(2), 317(5) and 3(5) of the B.N.S., lodged on 08.05.2025 by the informant, Dilip Mukhiya.

3. As per the prosecution story, the informant alleged that on 07.05.2025, he found that his Tractor's battery is missing. Locals informed that it is present in the scrap shop of the petitioner. He came to know that Vivek Yadav has stolen and sold the battery to the petitioner. This led to the F.I.R..

4. Learned counsel for the petitioner submits that he runs a scrap shop where the people claiming the materials to be



their own produce and is purchased, he had no knowledge about any stolen battery. In any case, the recovery/seizure is outside his scrap shop and not from the shop. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the petitioner is alleged to have purchased the stolen battery.

6. Considering the submissions of the parties as also that the charge of theft of battery is on Vivek Yadav, this petitioner has no criminal antecedent, he is running a scrap shop, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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 Chief Judicial Magistrate, Kishanganj, in connection with Thakurganj P.S. Case No. 101 of 2025 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;



(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) 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;

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

(Rajiv Roy, J)

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