

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14266 of 2026

Arising Out of PS. Case No.-370 Year-2017 Thana- NATHNAGAR District- Bhagalpur

Rahul Kumar Tiwary S/o Vishnudhar Tiwary R/o Village- Noorpor, P.S.-
Masudanpur, District- Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 26-02-2026 Heard Mr. Rajesh Kumar Pandey, learned counsel
for the petitioner and the learned APP for the State.

2. This application for grant of anticipatory bail arises out of Nathanagar Police Station Case No. 370 of 2017 dated 21.07.2017, disclosing the offence under Section 379 of the IPC lodged by the informant, Manoj Yadav.

3. As per the prosecution case, the informant alleged that his motorcycle bearing registration no. BR-10-K-0633 was stolen which was parked in front of his door. This led to the present FIR.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence as alleged in the FIR and he has falsely been implicated in this case merely on the ground of suspicion while he has not been named in the FIR as the FIR is against unknown. After almost nine years of the occurrence and on supervision made by the police, the Investigating Officer, on the basis of petitioner's antecedent, has sought the presence of the petitioner in this case. No Test



Identification Parade has been conducted in this case. It has next been submitted that no recovery of any kind incriminating has been made from his constructive possession or from his house. It has next been submitted that the petitioner is ready to give undertaking that he will extend his full co-operation with the investigation.

5. On the other hand, learned APP vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner has got no clean antecedent.

6. Considering the fact that the petitioner is not named in the FIR, nothing incriminating has been recovered from his constructive possession, no Test Identification Parade has been conducted in this case, this Court is inclined to grant the petitioner the privilege of anticipatory bail.

7. This application for anticipatory bail is, accordingly, allowed.

8. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within six weeks from today, 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 learned Chief Judicial Magistrate, Bhagalpur, in connection with aforesaid Police Station Case



subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023, as well as the 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 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

(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 his/her bail bonds.

(Ajit Kumar, J)

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