

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20213 of 2026

Arising Out of PS. Case No.-12 Year-2016 Thana- VISHNUPAD District- Gaya

Alok Kumar S/O Yogendra Singh @ Jogendra Singh R/O Village - Pakri, P.O-
Fatehpur, P.S- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 19-05-2026 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 Vishnupad P.S. Case No.12 of 2016, F.I.R dated 05.02.2016 registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 414 of the Indian Penal Code.

3. According to prosecution case, in brief, is that a written report was lodged by Niraj Kumar, who was posted as an A.S.I. at Vishnupad Police Station. On 05.02.2016, officials of the technical cell informed the police that an ATM-swapping gang had arrived at Maranpur More. Acting on the information, the police kept surveillance over the area and noticed two persons arriving in a white Scorpio vehicle and behaving



suspiciously near the ATM. When the police attempted to apprehend them, one person escaped taking advantage of the crowd, while the other was caught and disclosed his name as Rahul Kumar Singh, and identified the absconding accused as Alok Kumar. Upon search, nine ATM cards were recovered from the arrested person, who admitted that only two cards belonged to him and further confessed that money had already been withdrawn twice from the Maranpur More ATM by swapping ATM cards.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has been implicated in the present case by the -accused, namely, Rahul Kumar. It has next been submitted that the seized articles is in no way connected with this petitioner and in order to overcome the delay in approaching this Court for filing anticipatory bail application, learned Senior Counsel for the petitioner, submits that for the allegations levelled in the F.I.R. in the year 2016, the petitioner has approached this Court very recently came to know with regard to institution of F.I.R. against him, in which he has been made an accused while search was being made by the Police.

5. Learned Senior Counsel for the petitioner, by referring to the judgment rendered in the case of **Gursewak**



Singh v. The State of Punjab, Petition for Special Leave to Appeal (Crl.) No.11234/2025, submits that if prosecution, despite there being specific allegation, has never took any process to nab the accused in the span of four years, hence, in such event, the accused may not be required to be arrested by the prosecution and on this premise, learned Senior Counsel further submits that, in the present case, despite specific disclosures having been made by the co-accused, the police have not made any attempt to arrest the petitioner for the last ten years, which, in itself, is sufficient to demonstrate that no cogent material was available against the petitioner warranting his arrest. It has further been submitted that case dairy was called for and from the same, it appears that the last entry is of 19.04.2026, in which the investigation has not proceeded further and because of the lack of any incriminating material collected during investigation, the requirement of arresting this petitioner has not occasioned to the prosecution.

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

7. Considering the aforesaid facts and circumstances that the name of the petitioner has transpired on the basis of disclosure made by the co-accused, namely, Rahul Kumar who



has already been extended the privilege of regular bail in the year 2016 and the seized articles is in no way connected with the petitioner and from the case dairy, it appears that the last entry is of 19.04.2026, in which the investigation has not proceeded further and because of the lack of any incriminating material collected during investigation, the requirement of arresting this petitioner has not occasioned to the prosecution. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

8. 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 CJM, Gaya, in connection with Vishnupad P.S. Case No.12 of 2016, 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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