

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22364 of 2026

Arising Out of PS. Case No.-479 Year-2025 Thana- PALASI District- Araria

Waris @ Md. Barish S/o- Dahlu R/o- Mehro Chowk Ward No- 01 P.S- Palasi
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 06-05-2026 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 Palasi P.S. Case No.479 of 2025, F.I.R dated 04.12.2025 registered for the offences punishable under Sections 303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 04.12.2025, during evening patrol and raid duty, the police received secret information at Hasanpur Chowk regarding a stolen motorcycle allegedly kept at the house of the petitioner, Md. Waris. Acting on the information, the police reached near his house at about 19:36 hrs, where a person allegedly fled on seeing the police and escaped in the darkness. Local residents reportedly



identified the fleeing person as the petitioner. Thereafter, the police conducted a search of the petitioner's house in presence of police personnel acting as witnesses and allegedly recovered a black Hero Honda Super Splendor motorcycle without a number plate. Verification through the POS machine allegedly revealed that the motorcycle belonged to Md. Suleman and had been reported stolen in connection with Jokihat P.S. Case No. 146/2022 dated 21.03.2022 under Section 379 IPC. A seizure list was prepared and the motorcycle was brought to the police station.

4. Learned counsel for the petitioner submits that the seizure list of the stolen motorcycle, which is said to have been made is in contravention of Section 103 of the BNSS and the procedures prescribed for the seizure have been violated and the name of the petitioner has transpired in this case on the basis of villagers having seen this petitioner running from the place of occurrence. It has further been submitted that the petitioner is innocent and the property from where recovery is said to have been made is in joint possession of family members. It has next been submitted that the petitioner is earning his livelihood by rendering labor services in the locality. Lastly, it has been submitted that the petitioner has clean antecedent.



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

6. Considering the aforesaid facts and circumstances that there is no prudent material to implicate this petitioner, save and except the submission made by the villagers and the property from where recovery is said to have been made is in joint possession of family members and further, the procedures for seizure has not been followed and the petitioner has clean antecedent. 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 CJM, Araria, in connection with Palasi P.S. Case No.479 of 2025, 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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