

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23729 of 2026

Arising Out of PS. Case No.-491 Year-2024 Thana- ALOULI District- Khagaria

Badal Kumar S/O Ashok Chaudhari Resident of Ward no. 08, Saharbanni,
Saharbani, P.S.- Alauli, Distt.- Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Keshav Bhardwaj, Adv
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Alauli P.S. Case No. 491 of 2024 for the offence punishable under sections 309(4) of the BNS lodged on 23.11.2024 by the informant.

3. As per the prosecution case, the informant was deprived of his Motorcycle bearing Registration No. BR34T-1203 by four unknown miscreants. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired in this case on the basis of confessional statement made by one co-accuse, namely, Rajnikant Kumar. It has further been submitted that no any incriminating article nor the stolen motorcycle has



been recovered from the constructive possession of the petitioner or from the house of the petitioner. The co-accused, Rajnikant Kumar, on whose confessional statement, the petitioner has been implicated in this case, has already been granted regular bail by the learned District Court itself *vide* Bail Petition No. 184 of 2025. The petitioner has got clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail and submits that the co-accused has been granted regular bail and not anticipatory bail.

6. Considering the nature of allegation and nothing incriminating has been recovered from the constructive possession of the petitioner, the co-accused, Rajnikant Kumar, on whose confessional statement, the petitioner has been implicated in this case, has already been granted regular bail by the learned District Court itself and this petitioner has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six 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, Khagaria** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS 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/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 his/their bail bonds.

(Ajit Kumar, J)

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