

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31050 of 2026

Arising Out of PS. Case No.-133 Year-2024 Thana- AWTARNAGAR District- Saran

Niket Kumar S/o Late Nagendra Pandey R/o Village - Rampur, P.S. -Garkha,
Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Rajani Kumari, Advocate
For the Opposite Party : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 15-07-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Awtar Nagar P.S. Case No. 133 of 2024 for allegedly having committed offence under Section 392 of the Indian Penal Code.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that while he was going towards petrol pump on his Pulsar motorcycle bearing Registration No. BR04 AD 7399 and while he was passing through the railway underpass, he saw that one person on a white coloured Apache motorcycle blocked his way. Immediately thereafter, three other boys came there and on the point of pistol, they looted his Pulsar motorcycle, along with



his Android phone and fled away with the Pulsar motorcycle as well as mobile phone towards Jyoti Chimney.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. She submits that the name of the petitioner transpired in the present case on the basis of the confessional statement made by co-accused, Dheeraj Kumar, who was apprehended during course of investigation. Apart from the said confessional statement, nothing has come during course of investigation against the petitioner and the petitioner was not even present at the place of occurrence. She further submits that even the motorcycle has not been recovered from possession of the petitioner. The learned counsel for the petitioner also submits that the petitioner has got a clean antecedent.

5. *Per contra*, the learned APP appearing on behalf of the State opposes the prayer for grant of anticipatory bail to the petitioner by submitting that the petitioner has been named by one of the apprehended persons, namely Dheeraj Kumar and on the basis of the said confessional statement, the petitioner has been named as an accused in the present case.

6. Having considered the rival submissions and after going through the records as well as the case diary, it would



transpire that a First Information Report was lodged against unknown. During course of investigation, one Dheeraj Kumar was arrested and on his confessional statement, the name of the petitioner and others came. On the statement made by Dheeraj Kumar, the Pulsar motorcycle as well as the other motorcycle was recovered. It further appears that the Apache motorcycle, which was recovered on the basis of the confessional statement made by the co-accused Dheeraj Kumar, belongs to the co-accused Sonu Kumar. Apart from the confessional statement made by the apprehended person, namely Dheeraj Kumar, nothing has come against the petitioner in the entire case diary and the petitioner has got a clean antecedent.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Awtar Nagar P.S. Case No.133 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a further condition that:-

The learned court concerned shall verify the criminal



antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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