

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26354 of 2026

Arising Out of PS. Case No.-44 Year-2025 Thana- NAUTAN District- West Champaran

Awdhesh Yadav @ Awdhesh Kumar S/o Lal Babu Yadav Resident of Village-
Mangalpur Kala, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 29-04-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nutan P.S. Case No. 44 of 2025, for allegedly having committed offence under Sections 317(2), 317(5) and 3(5) of the BNS.

3. As per the prosecution story which has been lodged on the written report submitted by the informant to the effect that while the informant along with police party proceeded from the police station and started vehicle checking near Mangalpur Chowk. At about 12:15 P.M., two persons on a bike came there, however on seeing the police party they started fleeing away, leaving the bike at the place of occurrence. One of the persons was chased and caught by the Police



personnel, however the person, who was driving the bike, succeeded in fleeing away. The arrested person disclosed the name of the present petitioner as his accomplice. No document with regard to the bike was produced by the apprehended person and he also disclosed that he used to sell illegal liquor.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case only on the basis of the confessional statement of the co-accused Julum Kumar and apart from the said confessional statement, nothing has come against the petitioner. Since, the petitioner who is not arrested at the place of occurrence, there is no recovery of any article from him. He further submits that the seizure list was prepared in complete violation of the provisions contained under Section 103 of the B.N.S.S.. The petitioner has got clean antecedent.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Having heard the rival submissions and after going through the records, it appears that the name of the petitioner has been taken by the co-accused Julum Kumar, who was arrested at the place of the occurrence with the bike. Nothing has been recovered from the petitioner, since he was



not present at the place of occurrence. The petitioner has got clean antecedent. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, 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 S.D.J.M., Bettiah, West Champaran in connection with Nautan P.S. Case No. 44 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) 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 antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

AjayMishra/-

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