

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61254 of 2023

Arising Out of PS. Case No.-178 Year-2018 Thana- ASHTHAWAN District- Nalanda

Chiku Kumar Son of Rmchandra Prasad Resident of Village- Parvati, PS-
Kashichak, Distt- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Akash Shankar, Advocate Ms. Nausheen Fatma, Advocate Mr. Raj Kumar, Advocate Ms. Archana Kushwaha, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Asthawan P.S. Case No. 178 of 2018 registered for the offences punishable under Sections 341, 323, 394, 504 and 34 of the Indian Penal Code. The petitioner has got one criminal antecedent in which he is on bail.

3. Earlier the petitioner had moved this Court as one of the petitioners in Criminal Miscellaneous No. 40911 of 2023. When the said criminal miscellaneous case was taken up for consideration, learned counsel for the petitioner sought permission to withdraw the application on behalf of this petitioner saying that he has already been arrested. As respect the other petitioners, this Court having considered their case



granted pre-arrest bail vide order dated 28.07.2023.

4. As per the prosecution story on 12.06.2018 the informant along with his friend was going to Biharsharif, in the meantime, they were surrounded by some people on two motorcycles. It is alleged that on the point of pistol, the culprits assaulted the informant and looted his motorcycle key, mobile phone, Rs. 10,000/- and several other things from his pocket and left them at Sare More.

5. Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused Sarvottam Kumar. The petitioner has not been identified by the informant. The case of the petitioner stands on similar footing with the co-accused Rajeev Kumar and Mantu Kumar who have been granted privilege of pre-arrest bail.

6. Learned Additional Public Prosecutor for the State has though opposed the prayer for pre-arrest bail of the petitioner but is unable to demonstrate that the case of the petitioner is standing on a different footing.

7. Having regard to the facts and circumstances of the case wherein it is alleged that the informant was surrounded by some people on two motorcycles and then on the point of pistol



they looted him of his motorcycle key, mobile phone, Rs. 10,000/- but there being no identification of the petitioner, this Court would confirm the interim order and directs that in case of his arrest/surrender within a period of four weeks from today, the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Court at Biharsharif (Nalanda) in connection with Asthawana P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. And further condition that the learned trial court 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 learned trial court shall take step 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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