IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67004 of 2026

CNR No. BRHC010970372026

Arising Out of PS. Case No.-138 Year-2026 Thana- GANGABRIDGE District- Vaishali

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Abhishek Kumar S/o Ram Sewak Rai @ Ram Sevak Ray R/o Village- Saraipur, P.S- Ganga Bridge, Distt.- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kahkashan Alam, Advocate
Mr. Kahkashan Alam, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 05-11-2026 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 Ganga Bridge P.S. Case No. 138 of 2026, F.I.R dated 20.05.2026 registered for the offences punishable under Sections 331(4), and 305 of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant submitted a written report alleging that theft was committed in his factory. Upon examining the CCTV footage, he identified one Anish Kumar, an employee of the factory, along with his associates, including the petitioner, as the alleged perpetrators. It is alleged that after unlocking the cash room, they decamped

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with coins kept in three bags and cash amounting to Rs.3,67,150/-. Accordingly, the FIR was registered against four named accused persons, including the petitioner, and unknown persons.

4. Learned counsel for the petitioner, by referring to the statements made in the anticipatory bail petition, submits that the seized articles, including cash, have been recovered from Anish Kumar, Vikash Kumar and Sonu Kumar, from whose possession Rs.10,000/- in coins, Rs.9,600/- in coins and Rs.9,800/- in coins, respectively, are said to have been recovered. It has next been submitted that the house of this petitioner was also searched in his absence, but nothing incriminating is said to have been found therefrom. It is the specific case of the petitioner that, due to personal enmity with the present Mukhiya, against whom the petitioner had made a complaint during the Panchayat election, the said Mukhiya, for ulterior reasons, has got his name included in the FIR. It has further been submitted that one case is pending against the petitioner, in which he is already on bail, and that he undertakes to cooperate in the investigation.

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

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6. Considering the aforesaid facts and circumstances, and taking into account the fact that nothing has been recovered from the constructive possession or premises belonging to the petitioner, that the seized articles have been recovered from the aforesaid three named persons and that the petitioner is ready to cooperate in the investigation, 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 A.C.J.M. 3rd Vaishali at Hajipur in connection with aforementioned P.S. Case, 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

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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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