IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76108 of 2026

CNR No. BRHC011088202026

Arising Out of PS. Case No.-158 Year-2025 Thana- ARARIA District- Araria

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Rohit Kumar S/o Kirandev Mehta @ Kirandev Mahato @ Kiran Mahato R/o Mohalla-Om Nagar Ward no 08, P.S-Araria, District-Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madhav Jha, Advocate
Mrs. Kanchan Jha, Advocate
For the Opposite Party/s : Mr. Bharat Bhusan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard Mrs. Kanchan Jha, learned counsel for the petitioner and Mr. Bharat Bhusan, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 158 pf 2025 for the offence under sections 334(1), 303(2), 317(2) and 3(5) of the Bharatiya Nyaya Sanhita lodged on 15.04.2025 by the informant, Kumar Saurabh.

3. As per the prosecution story, the informant Assistant Manager with the Bihar State Food Corporation, Araria alleged that upon knowledge that the warehouse has been breached, they went to the place and found stolen rice to the tune of 16 sealed sacks. Purushottam Kumar, the mill owner was

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taken into custody who gave the name of the accused persons who brought the stolen rice, petitioner included. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly recovery/seizure from the mill of Purushottam Kumar and only to implicate, the petitioner who do not have criminal antecedent, is a student, got implicated and nothing has been recovered from his conscious possession and further to show his bona fide, without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs. 10,000/- to Bihar State Food Corporation, Araria through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned APP opposes the prayer submitting that the arrested person has named him and 16 sealed sacks have been recovered/seized from the mill.

7. Taking into account the submissions of the parties, admittedly, the recovery/seizure is from the mill of Purushottam Kumar though he has named the petitioner, nothing has been recovered from his conscious possession nor the petitioner has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions

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subject to payment of Rs. 10,000/- to Bihar State Food Corporation, Araria as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India branch/any Nationalized bank.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four 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 C.J.M., Araria in connection with Araria P.S. Case No. 158 pf 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be

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taken for the cancellation of the bail bonds;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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