

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81919 of 2025

Arising Out of PS. Case No.-511 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Sachin Kumar, S/o Jogendra Mandal @ Sri Jogendra Mandal @ Sri Jogi Mandal, R/o Village / Mohalla - Parbatta, P.S - Naugachia, District - Bhagalpur
 2. Raju Mandal, S/o Bhujo Mandal, R/o Village / Mohalla - Parbatta, P.S - Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with G.R. No. 3001 of 2023 arising out of Kotwali P.S. Case No. 511 of 2023 registered for the offence under Section 379 of the I.P.C.

3. As per the prosecution case, the informant has alleged that while he had gone to the market to purchase some vegetables, his motorcycle bearing Reg. No.BR10R9733 was taken away by unknown persons.

4. Learned counsel for the petitioners submit that the petitioners are not named in the FIR and they have falsely been



implicated in this case merely because the motorcycle was subsequently recovered from their possession in one another case being Kharik P.S. Case No.265 of 2023. Learned counsel for the petitioners submits that the petitioners have not committed any theft of the vehicle in fact the said vehicle was given to them by somebody upon which liquor was being transported and the petitioners were apprehended in the said case, however, they have no concern whatsoever with the present case of theft. It has lastly been submitted that the petitioners have one criminal antecedent each, which was registered under Section 30(a) of the Bihar Prohibition and Excise Act and only since the vehicle recovered from them was the same vehicle which had been taken away in the present case the petitioners have falsely been implicated.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with G.R. No. 3001 of 2023 arising out of Kotwali P.S. Case No. 511 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

(vi) In view of the antecedent of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Bhagalpur within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the courts concerned.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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