

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85591 of 2025

Arising Out of PS. Case No.-390 Year-2025 Thana- AGAMKUAN District- Patna

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Rahul Kumar, S/O Sri Saryug Thathera @ Saryug Prasad, Resident of
Mohalla- Chankya Nagar, Bhagwat Nagar, P.S Agamkuan, Dist.- Patna,
Permanent Add. Mohalla- Atasaray, P.S.- Islampur, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 08-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in
connection with Agamkuan P.S. Case No. 390 of 2025
registered for the offence punishable under Section 303(2) of the
Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has
alleged that he had parked his motorcycle in the evening and
later he found that his motorcycle was missing.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and during the course of
investigation, the petitioner has been falsely implicated in the
present case only because he carries three criminal antecedents



of a similar nature against him. It has further submitted that no incriminating article has been recovered from the conscious possession of the petitioner, however, the police has shown that it is on his confession the motorcycle, which had gone missing, was recovered, but not from the house of the petitioner. It has next been submitted that there is no eyewitness to the occurrence and even the seizure was not done as per law and he is in custody since 20.06.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, let the petitioner, above named, 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 court below where the case is pending/successor court in connection with Agamkuan P.S. Case No. 390 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner 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 petitioner will be liable to be cancelled by



the court concerned.

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

(v) The learned Court below 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 court below 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner 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 petitioner before the court concerned.

7. Accordingly, the prayer for 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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