

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86770 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- NAUHATTA District- Saharsa

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Guddu Kumar Son of Navin Kumar Nishad Resident of Village- Hempur,
P.S.- Nauhatta, District- Saharsa Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Mr. Chandra Mohan Jha, learned counsel for

the petitioner and Mr. Tarkeshwar Nath Thakur, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nauhatta P.S. Case No. 178 of 2024, F.I.R. dated 09.08.2024 for the offences punishable under Sections 191(2), 191, 121(1), 121(2), 132, 352, 351(2) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the police personnel were checking the vehicles in that course, they found one Deepak Singh was having a bike without number. Upon investigation, he objected and other people arrived there and all of them objected the police. They misbehaved with the police personnel.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. Although the petitioner is named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against all the accused persons including the petitioner and similarly situated co-accused persons, namely, Bambam Kamat and others have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 28.11.2024 in Cr. Misc. No. 79641 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act against the petitioner and the petitioner has clean antecedent and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, let the petitioner, above named, in the event of 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 J.M. 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 178 of 2024, 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. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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