

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88105 of 2025

Arising Out of PS. Case No.-345 Year-2022 Thana- KOTWA District- East Champaran

Abhay Kumar Son of Yadav Lal Rai @ Yadav Lal Ray Resident of Village-
Koimgawa, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 345/2022 registered for the offences punishable
under Sections 382, 34 of the Indian Penal Code.

3. As per prosecution case, on 26.08.2022 while the
informant was crossing the Talwa bridge, three miscreants riding
on a motorcycle overtook and stopped him and pointed the arms
on his head and took away a sum of Rs. 60,000/- and they fled
away by taking the informant's motorcycle. The said motorcycle
was found from the house of Yadav Lal Rai who was father of
the petitioner. The petitioner and his brother Abhishek Kumar
are sons of Yadav Lal Rai. It is alleged that the petitioner is a



professional thief and liquor dealer and has criminal antecedent.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is languishing in custody since 12.10.2025 and bears three criminal antecedents and in which he is on bail. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner has mentioned in para 10 that the petitioner was dashed by the motorcycle of the informant and dispute arose between the informant and accused persons including the petitioner and thereafter the informant fled away after leaving his motorcycle and lodged the false case. He further submits the said motorcycle was not stolen by the petitioner, rather the informant fled away after leaving his motorcycle at the door of the petitioner. The petitioner has been made accused in the present case without any cogent evidence or material. There is inordinate delay of three days in lodging the FIR as occurrence took place on 26.08.2022 and FIR has been lodged on 29.08.2022 and no plausible explanation has been given regarding the said delay. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner for the aforesaid sections. Charge sheet has been



submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Kotwa P.S. Case No. 345/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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