

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90074 of 2025

Arising Out of PS. Case No.-430 Year-2016 Thana- FATUA District- Patna

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Rishu Kumar Son of Ashok Singh R/o Village - Jethuli, P.S. - Nadi, Dist. - Patna(Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-01-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Fatuha P.S. Case No. 430 of 2016 instituted under Section 379 of the Indian Penal Code lodged on 10.11.2016 by the informant, Ashok Kumar.

3. As per the prosecution story, the informant alleged that he purchased iron rods and the same was kept in the Tractor but later some of it was stolen and the petitioner played an important role in the said theft. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has come against him and only on the basis of suspicion, he has been implicated though concedes that he has criminal antecedent. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the



petitioner intends to contribute Rs.5000/-to the informant through Demand Draft issued by the local State Bank of India branch/Any Nationalized Bank to be submitted before the concerned Court to be handed over to the informant/injured after checking the credential. Learned counsel for the petitioner further submits that though it is an old case, processes have not been issued against him.

5. Learned APP opposes the prayer submitting that it is an old case.

6. Considering the submissions of the parties and taking into account the stand of the petitioner that the processes have not been issued against him, intends to pay Rs.5000/- to the informant, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5000/-to the informant through Demand Draft issued by the local State Bank of India branch/Any Nationalized Bank to be submitted before the concerned Court and to be handed over to the informant after checking the credential. However, it is made clear that if processes have been issued against him, the order shall become infructuous.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Fatuha P.S. Case No. 430 of 2016 to the satisfaction of learned A.C.J.M.-II, Patna city, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter ID/Driving License/Pan Card etc) 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 fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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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