

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90590 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- SARE District- Nalanda

Shivraj Kumar S/o- Chando Yadav R/v- Piprapur Ps- Sare Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sare P.S. Case No. 150 of 2025 (G.R. No. 6005 of 2025) registered for the offences punishable under Section 310(4) of the B.N.S., 2023.

3. As per prosecution case, petitioner and other are on a motorcycle and they are said to have been making plan for committing dacoity at a lonely place and after seeing the police, petitioner and other left the motorcycle at the place of occurrence and fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is owner of the



motorcycle bearing Registration No. BR21AF8240. He further submits that from the perusal of FIR, it appears that the motorcycle in question has been kept in the premises of the police station but no seizure list has been made which is clear violation of mandatory provision of law. From the bare perusal of prosecution story, it has not come to fore as to whether the provision of Section 105 of BNSS has been complied or not. In this way, the authenticity of the prosecution story is doubtful. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner bears no criminal antecedent. He further submits that petitioner being a student is preparing for competitive examination and has falsely been implicated in the present case on account of village politics just to ruin his career. In the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioner as alleged in the FIR.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that motorcycle of the petitioner has been kept in police station and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, FC-X, Nalanda, Biharsharif in connection with Sare P.S. Case No. 150 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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