

Court of District & Additional Sessions Judge - 10th, Muzaffarpur
BP No. 768/2026 Order dated 03-06-2026

1. AMRESH KUMAR S/O RAMESHWAR RAIPETITIONER

VERSUS

STATE OF BIHARO.P

(Arising out of Kudhani P.S. Case No. 62/2026 u/ss 317(4 & 5) & 111 of the B.N.S.)

Ld. Counsel on behalf of petitioner :-	Shri Priya Ranjan Kumar
Ld. Counsel for the State :-	Shri Sunil Kumar, (Ld. A.P.P.)

ORDER

03-06-2026 1. A petition for bail dated **16.05.2026** along with power and certified copy of documents has been filed on behalf of accused petitioner who is languishing in judicial custody since **27.04.2026**. Heard the learned counsel **Shri Priya Ranjan Kumar** for the applicant/accused persons and the Ld. Addl. Public Prosecutor, **Shri Sunil Kumar**, on the regular bail application.

2. The prosecution story in brief is that on 25.04.2026, during a nocturnal vehicular interception drive at Pratibha Chowk, Kerma Raghuram, a police team led by SI Punit Kumar, SHO Kudhani, signaled a white Ertiga car (Registration No. BR06DZ3826) to stop. Two occupants managed to escape under the cover of darkness, but the police apprehended the driver, Amresh Kumar. Upon a formal search of the vehicle and the driver, the police recovered multiple mobile phones and stolen mobile tower hardware components (specifically two Nokia AZNA units) along with housebreaking tools, including slider wrenches, a wire hook, and an iron knuckle duster. The apprehended accused subsequently confessed that he, along with his escaped accomplices Anshu Kumar and Rakesh Kumar, form an organized gang involved in the theft of equipment from mobile towers, and that the recovered articles were stolen that very night from a mobile tower near Madhaul Chowk.

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3. Ld. Counsel for the petitioner submitted that the petitioner is quite innocent and he has been falsely implicated in this case by the police at the instance of his enemies. No earlier bail has been preferred either before this Court or the Hon'ble Court. The petitioner has clean criminal antecedent. The entire allegations as alleged in this case against the petitioner are false and fabricated. The petitioner had gone to Hajipur to meet his uncle and when he was returning home in the way, police signalled to stop his car then police searched the car and nothing incriminating was recovered even then the police arrested him after preparing false FIR and concocted seizure list forwarded him in this case. The car in question bearing registration no. BR06DJ3826 is owned by the petitioner and he has taken the same on finance. Earlier to this case, no charge-sheet has been filed against the petitioner in any case and he has not been made accused even in any case. From the facts and circumstances of this case, no offence is made out against the petitioner. The petitioner is ready to abide by all the conditions imposed by the Court. The petitioner is a man of means and there is no chance of his absconding. Prayer of bail

4. On the other hand Ld. A.P.P. has vehemently opposed the prayer of bail.

5. Heard both the parties and perused the case record. From perusal of case record and case diary of the case it appears that the car seized from the petitioner was belonged to the petitioner himself. In para 46 of the case diary, it is clearly mentioned that the I.O has verified the actual owner of seized car is Amersh Kumar who is petitioner here. The I.O has failed to explain connection of the petitioner with any organized crime group, there is no criminal history or anything explained in any para of the case diary. The petitioner is under custody since 27.04.2026 but nothing incriminating procured by the I.O which can show the connection of this petitioner with any habitual offenders group or organization. So, this petitioner deserves facility of bail with certain conditions.

6. Considering the entire facts and circumstances of the case, I am inclined to

Shri Shailendra Kumar-1
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grant the bail to the petitioner. Accordingly petitioner namely, **AMRESH KUMAR**, is directed to be released on bail on furnishing bail bonds of **Rs. 10,000/- (Ten thousand)** with two sureties of the like amount each to the satisfaction of the concerned Court below on conditions that one of the bailors must be close relative/local villager of the petitioner. Further, the petitioner is required to submit an undertaking that he shall not indulge in the similar case and will remain physically present in court till framing of charge. If it is found at any stage that the petitioner has concealed the criminal history the Ld. Counsel for the prosecution has liberty to file a petition for cancellation of bail bond of the petitioner

(Dictated)

SD/-

Shailendra Kumar - 1

Additional Sessions Judge – X
Muzaffarpur