

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33566 of 2021

Arising Out of PS. Case No.-182 Year-2020 Thana- BAKHTIYARPUR District- Patna

Nikhil Kumar Barnwal, Son of Binit Kumar @ Vinit Kumar, Resident of
Village - G.B.Road, Near Kotwali, P.S.- Kotwali, and Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Bakhtiyarpur P.S. Case no.182 of 2020 instituted for the
offence punishable under Sections 399, 402, 411, 412, 414, 420,
467, 468 and 479 of the Indian Penal Code and Section 25(1-
b)A, 26 and 35 of the Arms Act.

As per allegation in the FIR, on secret information
police party proceeded towards the place of occurrence. On
seeing them miscreants started to fleeing away but on chase,
four persons were apprehended and on search, one loaded pistol,
two cartridges, several mobiles and one Scorpio vehicle has
been seized. They further disclosed that two Scorpio Vehicles



have been theft from Phulwaria and one Swift Dezire was stolen from Gandhi Hotel. They disclosed the name of the petitioner as one of his associates who is engaged in purchase and sale of theft vehicles.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Arvind Kumar, before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that stolen Swift Dezire car has been recovered while it was parked in front of the house of the petitioner and the key of the alleged vehicle was recovered from the house of the petitioner. Apart from the said fact, petitioner is a habitual offender as seven cases are pending against him out of which most are of similar nature.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender and the recovery of stolen vehicle has been made outside the house of the petitioner, I am not inclined to grant bail to the



petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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