

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44977 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

Sikandar Kumar son of Rampreet Choudhary Resident of Village- Tumkariya
Siswa Sarea, Ward No 05 P.S. Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 28-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Gopalganj Town P.S. Case No.726 of 2023 under Sections 461, 379 and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against unknown accused persons against whom there is allegation of theft of articles of Rs.7,50,000/- in the night.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner's name has not found in the F.I.R. He further submits that the material has come against one Chandan Kumar from whose possession theft materials have been recovered.

5. Counsel further submits that the petitioner is completely innocent and his name has figured only by virtue of confessional statement of co-accused. He further submits that



antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail and submits that it is true that name of the petitioner has come by virtue of confessional statement of co-accused, but the statement of the co-accused is corroborative in nature by virtue of recovery of the theft articles from the possession of the person who has made the confessional statement. Meaning thereby, the confessional statement shall be treated as partially true or partially false. It will be treated as true in toto and false in toto.

7. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 (four) weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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