

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51347 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BANMANKHI RAIL P.S. District-
Khagaria

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1. Manish Kumar S/O Jawahar Prasad Yadav @ Jawahar Yadav R/O Village-Gamhariya, ward no.10, P.S.-Saurbazar(O.P. Baijnathpur), Distt-Saharsa
 2. Md. Salam S/O Md. Aamir R/O Village-Gamhariya, ward no.11, P.S.-Saurbazar(O.P. Baijnathpur), Distt-Saharsa

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Banmankhi R.P.F. P.S. Case No.02 of 2024 under Section 03 R.P. (UP) Act.

3. As per the prosecution, the FIR has been lodged against four named accused persons including the petitioners against whom there is allegation that they have stolen railway articles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



submits that the petitioners are not apprehended from the place of occurrence which is clear from F.I.R. itself. He further submits that petitioners' name have figured in this case by virtue of confessional statement of apprehended accused persons.

5. Counsel also submits that antecedent of the petitioners is clean and they are completely innocent and no recovery has been made from their possession, and therefore, it is the best case for grant of anticipatory bail.

6. Learned APP for the State opposes the prayer for bail and submits that it is true that only one accused person has been apprehended and he has disclosed the name of three other accused persons, but from the statement of the apprehended accused persons, the materials which is subject to theft, has been recovered from a *Bhangar* shop, and therefore, he submits that the said confessional statement is duly corroborated from recovery, and hence, the statement of the apprehended accused persons though in the form of confession may not be involved.

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

8. However, trial court is directed to consider the



regular bail application of the petitioners, if they surrender within 4 weeks from today and pray for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

Prakashmani/-

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