

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49423 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Gunjan Kumar @ Gunjan Kumar Jha, son of Sanjay Jha R/o- VIP Colony
Dalsingsarai Ps- Dalsingsarai Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Dalsinghsarai P. S. Case No. 178 of 2023 registered for
the offences punishable under Sections 457 and 380 of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
the FIR has been instituted under Sections 457 and 380 of the
I.P.C. It is next submitted that punishment prescribed under
Section 457 of the I.P.C. ranges five to fourteen years. It is
further submitted that petitioner has antecedent of three cases
and has been falsely implicated in the instant case by the
informant with an allegation that when informant returned home
after his treatment, he found that some unknown accused had



committed theft of gold ornaments, cash, mobile and other household articles from his house. It is next submitted that in the FIR, the informant did not even raise any suspicion against the petitioner when he is neighbour of the informant, as such, the FIR came to be instituted against unknown, but then, during the course of investigation, the name of the petitioner transpired based on confessional statement of Ranjan in police custody, which does not have any evidentiary value.

4. Learned A.P.P. submits that co-accused Mohit Kumar and Ritik Kumar had approached this Court seeking anticipatory bail application by filing Cr. Misc. No.13350 of 2024 and the same was disposed of by an order dated 19.03.2024 in terms of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar), but then, it appears that at the time when order dated 19.03.2024 was being passed in Cr. Misc. No.13350 of 2024, the said fact that punishment prescribed under Section 457 of the I.P.C. carries punishment from 05 Years to 14 years was not brought to the notice of the Court, but then, it is submitted that petitioner has antecedent of three cases and recovery was also made from the house of the co-accused whose name transpired in the confessional statement of Ranjan, as such, the privilege of



anticipatory bail application may not be granted to the petitioner.

5. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail application to the petitioner.

6. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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