

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67099 of 2024**

Arising Out of PS. Case No.-369 Year-2024 Thana- KHAGARIA District- Khagaria

Nitish Kumar Son of Ram Sevak Singh Resident of Chandpura, P.S. -  
Gangour, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar Singh  
For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      22-10-2024      1. Heard the parties.

2. The petitioner apprehends his arrest in connection with  
Khagaria P.S. Case No. 369 / 2024 dated 10.07.2024 registered  
for the offence under Sections 331(4), 305 of the Bharatiya  
Nyaya Sanhita, 2023.

3. The prosecution story in brief is that on 08.07.2024 in the  
night at about 1:30 A.M. some unknown thieves entered into the  
house of the informant and stole his grandson's Apple Mobile,  
daughter-in-law's Samsung Mobile, money from the bag of  
informant's younger son, as well as cash, gold and silver jewelry  
from his daughter's steel box and threw the empty box and bag  
at the back side of the house.

4. Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in this case on the basis of



confessional statement of the co-accused Vikesh Kumar and Birodhi Kumar. The petitioner is not named in the First Information Report. He submits that on the basis of the confessional statement of the co-accused, the Police raided the house of the petitioner and recovered one OPPO company mobile, but the said mobile is not the stolen mobile and the same belongs to the petitioner. He submits that no any theft article and / or looted property has been recovered from the conscious possession of the petitioner.

5. I have heard learned counsel for the petitioner. The name of the petitioner has surfaced during the course of investigation and on the basis of confession made by the co-accused one stolen mobile phone, though of different company i.e. OPPO mobile has been recovered from the house of the petitioner.

6. In view of the aforesaid facts and circumstances particularly the fact that confession has led to recovery, I am not inclined to grant the privilege of anticipatory bail to the petitioner. The same is rejected.

**(Anil Kumar Sinha, J)**

praful/-

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