

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32416 of 2025

Arising Out of PS. Case No.-419 Year-2024 Thana- GARKHA District- Saran

Rakesh Kumar S/o- Binod Rai R/v. - Fursatpur, P.S - Garkha, District – Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Garkha P.S. Case No. 419 of 2024, lodged on 15.07.2024, under Sections 334(1)/303(2) of the Bhartiya Nyay Sanhita, 2023. Later on offence under Sections 317(4)/317(2) of the Bhartiya Nyay Sanhita, 2023 has been added.

3. As per the prosecution, the allegation in the FIR is that theft has been caused in the shop of the informant in which series of mobile phones had been stolen.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that name of the petitioner surfaced from the confessional statement of co-accused, who has been granted regular bail by this Court. He submits that nothing incriminating has been recovered from the possession of the petitioner nor the petitioner was put on Test Identification Parade. He also submits that Trial is Magisterial triable. Counsel further submits that there is one criminal antecedent against the petitioner in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that name of the petitioner has come in the confessional statement of co-accused but the said confessional statement is not confession; rather it is corroboration also as by virtue of the statement made by the said co-accused, recovery of looted mobiles has been made from his possession.

6. Considering the fact that the co-accused has been granted regular bail and the confessional statement is basically not confession rather it is corroboration, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby rejected. However, in the event of surrender of the petitioner within six



weeks from today, the prayer for regular bail shall be considered on its own merit on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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