

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33301 of 2025

Arising Out of PS. Case No.-518 Year-2024 Thana- RAXAUL District- East Champaran

Ajay Kumar, S/o Shiv Ji Prasad, Resident of Village-Naga Road, Raxaul, P.S.-
Raxaul, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
		Mr. Sanjiv Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Raxaul P.S. Case No.518 of 2024 registered under Sections 317(4), 317(5), 111, 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per FIR, certain cosmetic items along with ceiling fans, furniture, filling equipment etc. were recovered from a godown, which was in possession of apprehended co-accused persons and said to be stolen property.

4. It is submitted by Mr. Ajay Thakur, learned counsel appearing for the petitioner that there is nothing on



record, which may suggest that seized items were stolen, particularly, when no any such FIR was lodged by any person *qua* theft of recovered stolen goods. It is submitted that no incriminating articles have been recovered from the conscious possession of the petitioner. It is submitted that petitioner was neither arrested on the spot nor any incriminating articles have been recovered from his conscious possession. It is submitted that save and except suspicion, nothing appears available, which may suggest that recovered goods in issue were stolen. The petitioner said to be a man of clean antecedent.

5. Learned APP opposed the prayer for anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* nothing surfaced, which suggest that property in issue was stolen, which further appears to be recovered from the godown of the petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Raxaul P.S. Case No.518 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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