

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32173 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- DALSINGHSARAI District- Samastipur

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Ajit Kumar Jha @ Chhotu Kumar Jha @ Ajeet Kumar Jha @ Chootu Jha S/O
Dashrath Jha R/O Village- Bhagwanpur, Chakshekhu, Ward No. 4, P.S-
Dalsing Sarai, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P

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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 petitioner is apprehending arrest in connection
with Dalsingsarai P.S. Case No. 344 of 2024 lodged on
11.11.2024, for the offence punishable under Sections 331(4) &
305 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged
against one named accused person, alleging that he has
committed theft at the informant's house and looted some
jewellery and cash.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner is not named in the FIR and his name
has figured in this case by virtue of the confessional statement



of the co-accused. Counsel submits that the litigation is going on and a title suit is pending before the trial court and it is due to this reason, petitioner's name has been inserted in this case. Counsel submits that on previous occasion, case diary has been called for and from perusal of the case diary, it transpires that in one confessional statement, name of petitioner has come, but in another confessional statement, it has been indicated that the petitioner was not present during transaction of the money.

5. Learned APP for the State on the other hand opposes the prayer for bail of the petitioner and submits that there are discrepancies about the criminal antecedent of the petitioner as in the rejection order, it has been indicated that the petitioner has eight criminal antecedents, whereas, in paragraph no.3 of the present bail application, it has been stated that the petitioner has only four criminal antecedents.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of six weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Additional Chief Judicial Magistrate-I,



Dalsingsarai, Samastipur in connection with Dalsingsarai P.S.
Case No. 344 of 2024, subject to the conditions as laid down
U/s 482(2) of the B.N.S.S., 2023.

7. The Trial Court at the time of accepting the bail
bond of the petitioner shall verify that whether the petitioner has
eight criminal antecedents or four criminal antecedents. If, it is
found that the petitioner has eight criminal antecedents, then his
bail bond shall be cancelled. However, if it is found that the
petitioner has only four criminal antecedents, then his bail bond
shall be accepted, and he shall be released on bail accordingly.

(Dr. Anshuman, J)

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