

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36669 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- SIRDALA District- Nawada

Shankar Kumar S/O Naresh Rajvanshi R/O Village- Amhadi, P.S- Sirdala,
Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 317(4), 317(5) of the B.N.S., 2023.

3. The allegation in the first information report is that one Santosh Choudhary and Sunil Choudhary were arrested with stolen motorcycles and it was disclosed by them that some other motorcycles would also be found in the fish shop of the petitioner and upon verification of the said fact, a motorcycle was recovered from the said shop of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is neither the owner of the alleged shop nor any motorcycle was recovered from his personal and conscious



possession. The recovery was rather made from an open and abandoned place which is accessible to all. Further, there is no independent witness to the seizure list and the petitioner has been made an accused only upon disclosure made by the arrested co-accused persons before the police which has no evidentiary value in the eyes of law. Further submission is that the arrested persons have already been granted regular bail and further the petitioner has no criminal antecedent and hence, Section 317(4) of BNS would not be applicable as against him because the provisions specifically deals with persons who habitually receive or deal in property which they have reason to believe to be stolen property.

5. Learned APP for the State opposes the grant of anticipatory bail on the ground that the recovery has been made on the disclosure made by the co-accused persons.

6. Considering the facts and circumstances and also considering that the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 court below where



the case is pending/successor court in connection with Sirdala P.S. Case No. 85 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

6. However, the criminal antecedent of the petitioner shall be verified before accepting the bail bonds which shall be done expeditiously preferably in a period of three weeks and in case it is found that the petitioner has concealed his criminal antecedent, he shall not be released on bail.

(Soni Shrivastava, J)

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