

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40095 of 2025

Arising Out of PS. Case No.-31 Year-2018 Thana- CHIRAIYA District- East Champaran

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Arun Kumar @ Rinku, S/o Chandeshwar Prasad Khuswaha, Resident of
Village- Ambariya, P.S -Sikarganj, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-06-2025 1. Heard Mr. Karandeep Kumar learned counsel for
the petitioner and Mr. Sanjay Kumar Tiwary, learned APP for
the State.
2. The petitioner apprehends his arrest in connection
with Chiraiya P. S. Case No. No. 31 of 2018 dated 23.01.2018
registered for the offence(s) punishable under Section(s) 341,
323, 379, 393 and 504/34 of the Indian Penal Code.
3. The main submissions advanced by the petitioner's
counsel are that the instant matter relates to loot but the
petitioner is not named in the FIR and the informant has
specifically revealed the name of three accused persons
involved in the commission of alleged loot, giving the details
of their names and it is not the case of the informant that any
other person other than the named accused was directly



involved in the commission of the alleged loot and during the course of investigation mainly on the basis of confessional statement of co-accused Rajan Kumar Singh who himself is not named in the FIR, the petitioner has been dragged in this matter. It is further submitted that though against the petitioner there are criminal antecedent of two cases but he is on bail in both the cases and moreover, the petitioner is a registered contractor and both the antecedent cases were lodged due to his profession. It is lastly submitted that the learned trial court disposed of the petitioner's prayer mainly considering the observation of this court made in the case of Cr. Misc. No. 44659 of 2024 which was a general observation and thereafter the petitioner sent an application vide Annexure- P/2 to the S.P. concerned for giving him the benefit under Section 41A of the Cr.P.C. but till date no notice has been given to him, so, it seems that the police are adamant to arrest the petitioner despite his cooperation.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly the facts that the petitioner is not named in the FIR and the allegation as to the offence of loot is



specifically against the three named accused persons, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Chiraiya P. S. Case No. No. 31 of 2018 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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