

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42432 of 2025

Arising Out of PS. Case No.-110 Year-2023 Thana- PATAHI District- East Champaran

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Raja Kumar Son of Sanjay Kumar Giri, Resident of Village - Babantoli, P.S.-
Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 No one appears on behalf of the petitioner.

However, learned Additional Public Prosecutor appearing on
behalf of the State is present.

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 Patahi P.S. Case No. 110 of 2023, lodged on
13.04.2023, under Section 392 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three unknown accused persons against whom there is allegation
that three persons have looted one motorcycle, Rs.25,800/- cash
and mobile touch screen on the point of pistol.

4. As per the pleading made in the FIR, it transpires to



this Court that petitioner has taken the plea that he is innocent and has falsely been implicated in this case only on the basis of suspicion and prejudice. It has been further pleaded that no incriminating article has been recovered from the possession of the petitioner and name of the petitioner has surfaced by virtue of extra-judicial confession of co-accused Chhotu Kumar. It has been pleaded that in series of cases extra-judicial confession statement when not proved then it cannot be accepted and must be rejected. It has also been pleaded that warrant of arrest has been issued under Section 70 Cr.P.C. and notice of proclamation for person absconding has been issued under Section 82 Cr.P.C. It has been pleaded that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that name of petitioner has figured in this case by virtue of confessional statement. He submits that confessional statement of the co-accused who has revealed that looted motorcycle has been sold to Guletin Das which has been recovered from Guletin Das. Counsel submits that statement is not only confession; rather it is full of corroboration.



6. It transpires from the impugned order that in the first paragraph it has been pleaded that petitioner seeks regular bail under Section 392 of the Indian Penal Code whereas the order passed by the Sessions Court indicates that under Section 392 of the Indian Penal Code has been converted under Section 395 of the Indian Penal Code.

7. In the present facts and circumstance, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of petitioner is hereby rejected.

(Dr. Anshuman, J)

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