

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42666 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- BIHARSHARIF RAIL P.S. District- Patna

Md. Vicky Khan @ Vicky Khan S/o Asgar Hussain @ Sohail Khan @ Md.
Asgar R/o Mohalla - Khanka, P.S. - Laheri, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Biharsharif GRPS (Rail P.S. Biharsharif) P.S. Case No. 03/2025 registered for the offences punishable under Sections 303(2), 317(2) and 3(5) of the B.N.S.

3. As per prosecution case, there is allegation that 2-3 unknown persons started scuffling with the informant and during the said scuffle, one person snatched locket of gold from the neck of the informant. It is alleged that one person namely Tinku Paswan was apprehended on the spot and disclosed the name of the petitioner and other, who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that though in the contents of the FIR, the name of the petitioner has been mentioned but in the accused column no. 7 only the name of co-accused Tinku Paswan is mentioned. The name of the petitioner has been transpired in this case on the basis of confessional statement of apprehended co-accused Tinku Paswan. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is not in any way connected with the alleged occurrence. The petitioner bears two criminal antecedent of similar nature in which he is on bail.

3. Learned APP for the State opposed the prayer of anticipatory bail of the petitioner and submitted that from perusal of FIR, it is evident that the apprehended co-accused Tinku Paswan disclosed the name of the petitioner and one of the persons has snatched the locket of gold from the neck of the informant. He further submits that para 11 of the case diary reflects that locket of gold was recovered from the house of the petitioner and seizure list has been made accordingly. He further submits that the petitioner having criminal antecedent of two cases of similar nature. In the light of aforesaid facts and



circumstances of the case, the petitioner does not deserve anticipatory bail.

4. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and the alleged recovery has been made from the house of the petitioner and material available on record, I am not inclined to grant privilege of anticipatory bail to petitioner.

5. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Alok Kumar Pandey, J)

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