

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52548 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- BARARI District- Bhagalpur

Ashish Kumar @ Ashish Kumar Thakur @ Ashish Thakur S/o Late Rajesh Thakur Resident of Ward No. 25, Jhoua Kothi, Paschchimi Tola, Badi Khanjarpur, Bhagalpur, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, App.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-11-2025

1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Barari Police Station Case No. 119 of 2024, disclosing offences under Sections 331(5), 305 of the BNS, 2023.

3. As per the prosecution case, a theft occurred in the informant's government residence on 26.09.2024 between 1:00 pm and 2:30 pm while she was at her office. On returning home, informant found a broken window, scattered belongings, and the almirah lock broken. Several items were reported stolen, including gold and silver jewellery, a Titan watch, a Samsung mobile, a silver vermilion box, cash of Rs. 20,000/-, and other



household articles.

4. Learned Counsel for the petitioner submits that the petitioner is not a named accused in the FIR and has no involvement in the alleged occurrence. He has been made accused solely on the basis of confessional statement of a co-accused before the police. He next submits that the petitioner has falsely been implicated due to local village politics. The petitioner resides and works in Surat and was not present in Bhagalpur at the time of the alleged incident. There is no independent or eyewitness to support the prosecution story. The allegations in the FIR are general, vague, and unsupported by any specific material, and no prima facie case is made out against the petitioner.

5. I have heard learned counsel for the parties and have gone through the materials available on record including the case diary. From perusal of the case diary, it appears that the petitioner's name has transpired in the present case on the basis of confessional statement made by one of the co-accused namely Gautam Kumar who has revealed that the petitioner has played active role in the commission of the theft inasmuch as that the petitioner broke the window and entered the house of the informant and committed the theft of gold and silver



ornaments and cash of Rs. 20,000/- along with mobile and watch and it has also been transpired that thereafter, all the co-accused have misappropriated the same. Furthermore, the petitioner has got two criminal antecedents of similar nature which shows that he is an habitual offender and has committed similar offences in the past, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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