

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67569 of 2025

Arising Out of PS. Case No.-232 Year-2024 Thana- HARSIDHI District- East Champaran

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Anish Raj @ Anish Thakur @ Anish Kumar Thakur @ Anish Rai, Male, aged about 21 years, Son of Dinesh Thakur, Resident of Village - Sahasraw, P.S - Bhairoganj, District - West Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 232 of 2024 instituted for the offences punishable under Sections 420 and 379 of the Indian Penal Code.

3. As per the allegation in the FIR, the informant was working in Spandan Sfurti Financial Company Limited (Micro Finance Company) Harsidhi Branch and after recovery of loan, he went to his branch, he parked his vehicle and went to take meal and, thereafter. he came back and saw a bag which was kept in a handle of bike, was stolen by someone and after hectic search, he did not find the bag which containing money of Rs. 2, 38,010/-.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the First Information Report was lodged after a delay of 23 days of the occurrence and there is no any plausible explanation in this regard. He further submits that during investigation nothing incriminating article has been recovered neither from his conscious possession of the petitioner nor from his house. He next submits that the petitioner has been made accused only on the basis of confessional statement of co-accused (informant) Appu Kumar Yadav and his own confessional statement recorded before the police in another case. He lastly submits that during entire investigation except confessional statement of the petitioner, no other corroborating materials/evidence has come against him which shows his complicity in the present case. Petitioner was not put on Test Identification Parade till date and he has been made scapegoat in the present case by the police. Petitioners have fifteen criminal antecedents as stated in para-3 of the petition is in custody since 07.02.2025.

5. Learned APP for the State vehemently opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the



learned District and Additional Sessions Judge-Ist, Motihari, East Champaran dated 30.05.2025, it appears that petitioner is not named in the FIR and his name transpired in this case only on the basis of confessional statement of Appu Kumar Yadav (informant). From perusal of the records, it transpires that on the basis of written report of the informant namely Appu Kumar Yadav, FIR has been registered under Sections 420 and 379 of the Indian Penal Code against unknown persons. During investigation the name of the petitioner has been surfaced from the confessional statement of other co-accused but no recovery has been made from the conscious possession of the petitioner. It also appears that petitioner is in custody since 07.02.2025 and no Test Identification Parade has been conducted till date as submitted by learned counsel for the petitioner, so considering all these aspects of the case and submissions of learned counsel for the petitioner as well as period of custody, I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Motihari, East Champaran /



Successor Court in connection with Harsidhi P.S. Case No. 232 of 2024, subject to the condition that the petitioner shall be physically present before the Trial Court on each and every date fixed till conclusion of the trial and if any case of similar nature is reported against him, it will be presumed that the petitioner has misused the bail and the prosecution has right to proceed for cancellation of petitioner’s bail.

(Ramesh Chand Malviya, J)

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