

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66409 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- SAMASTIPUR District- Samastipur

Bittu Kumar S/O Sri Subodh Kumar @ Subodh Prasad Sah R/O Village-
Nawanagar, Ward No. 7, P.S.- Biddupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65854 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- SAMASTIPUR District- Samastipur

Anuradha Kumari W/O Anil Rai R/O Jalalpur, P.S.- Mohanpur, District-
Samstipur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. The Branch Manager, Bank of Maharashtra, Kashipur, Samastipur
Samastipur

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72320 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- SAMASTIPUR District- Samastipur

Deepak Kumar S/O Suresh Sah R/oi Village - Maa Jewelers Bhawani Chauk
Audiogik Chheta Hajipur, P.S. - Deshri, District -Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 66409 of 2025)
For the Petitioner/s : Mrs. Vaishnavi Singh
Mr. Ajay Kumar Thakur, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP
(In CRIMINAL MISCELLANEOUS No. 65854 of 2025)
For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.Rabindra Kumar



(In CRIMINAL MISCELLANEOUS No. 72320 of 2025)
For the Petitioner/s : Mr.Smita Kumari
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

CAV ORDER

5 17-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. As the three cases arise out of same P. S Case No.
113 of and as such, they were all heard together and are being
disposed of by this common order.

3. The petitioners have prayed for regular bail in a
case registered for the offence punishable under sections 310 (2)
of the BNS and Section 27 of the Arms Act.

4. The case of the prosecution in short is that while
the informant was at his bank, 2 persons came inside the bank,
spoke to the Deputy Branch Manager one of them came to his
cabin and got behind his back, took his pistol out, pointed the
same at him and enquired about the cash. Thereafter, 4-5 other
accused persons entered the Branch, and at the time 3-4
customers were present at the Bank, they overpowered all the
persons present at the Bank, took their mobile phones, and made
them hostage. In the meantime, the cashier and the Bank Peon
entered the Bank from the outside. They took the key on
gunpoint from the cashier the staff were closed in a room and



one of the accused was keeping watch on the said room as they were assaulted. It is further alleged that on gunpoint the accused persons got the locker opened, and took away the articles and cash present therein. The cashier's bag was also taken away by the accused, containing *cheque* books, *aadhar* card etc. When the articles (cash, and gold) were accounted for, it was found that cash of Rupees 15 lacs and odd and jewellery of approximately 7.5 crores were looted by the miscreants. Regarding the petitioner Bittu, it has been submitted that during the entire investigation, no witness has named this petitioner, and the police too has collected 2 backup drives of the CCTV cameras installed in the storeroom, which were being centrally controlled from Noida by ANG India Ltd. In the said CCTV footage, 2 bikers were observed going on a pulsar bike.

5. Learned counsel for the petitioner, Deepak Kumar of Cr. Misc. No. 72320 of 2025 submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the FIR was instituted against unknown miscreants. During the course of investigation, one Randhir Kumar @ Bablu Singh, was apprehended and he has given his confessional statement in which he has stated one Dipak Munshi called him and request him to come at Bhatti



Chowk for going to Patori as he apparently had "huge" plans. He was told that at Patori, a boy named Kanchan would carry him forward. He further stated in his confessional statement that on 5-5-2025, he went to Patori on a bike where he met Kanchan, and proceeded with him thereafter. They went in the bamboo clump of one Akhilesh Rai, where Dipak Munshi and Golu Rai were present from before. It is further stated by the co-accused Randhir Kumar in his confessional statement that 3-4 persons were present. Dipak Munshi disclosed that they had to commit dacoity at the Bank of Maharashtra, Kashipur Branch, Samastipur, and that the weapons for the same will be arranged the following day. The next day, they committed the alleged offence.

6. It has further been submitted that in the said confession, the petitioner has not been named anywhere. The petitioner was made an accused on the basis of the confession of the co-accused, on the ground that a few of them gave the stolen articles of gold to the Petitioner, who happens to have a jewellery shop at Bidupur.

7. It has further been submitted that co-accused persons, namely, Dharamvir, @ Karamvir Kumar, and Ravish Kumar have stated in their confessional statement that they have



handed over at about 300 gm of gold each out of the proceeds of the alleged offence of dacoity.

8. It is the case of the prosecution that the instant Petitioner has given his confessional statement that he after melting the gold, concealed the same beneath the earth of Sant Kabir Mahant Ram Dayal Das College, which happens to be under construction. And, wherefrom 8-gold biscuits were recovered. From the Petitioner, cash of Rupees 19,200, and a mobile phone was recovered.

9. It is further contended that the petitioner is the owner of a gold jewellery shop, it is common in his trade to keep gold in melted form in the form of gold biscuits. Moreover the petitioner is languishing in judicial custody since 24.06.2025 having no criminal antecedent.

10. Learned Counsel for the petitioner, Bittu Kumar of Cr. Misc. No. 66409 of 2025 has subsequently submitted that from the perusal of the case diary, it will transpire that under Para '141' of the said case diary there exists a seizure list with respect to this petitioner, and therein the total quantity of the gold-biscuits is measured to be 658.28 gm. It is further submitted that as per the statement of the co-accused, only 300 gm of gold was sold to the petitioner. It has also been submitted



that from the perusal of the materials on record, that the petitioner has got no role in the alleged dacoity, allegation against him, if any, is that he has received/purchased the stolen article of gold, melted the same, and put the same beneath the earth of the location stated hereinabove.

11. It is further contended that the confessional statement of the petitioner leading to recovery should be made in the presence of 2 independent witnesses, as held by the Hon'ble Supreme Court of India in a catena of rulings, and the said recovery must also be in the presence of those witnesses. The seizure list witnesses are there but they are police personnel. Moreover, the allegation against the petitioner is at most attracted u/s 317(5) of the BNS 2023. The punishment of the said offence amounts to only either an incarceration of 3 years or with fine, or both. Moreover, the petitioner, namely, Bittu Kumar has remained in judicial custody since 17.05.2025 having no criminal antecedent.

12. Per contra, the learned APP has submitted that it is a case of dacoity and the stolen articles were put on TIP and were consequently identified. It is highly improbable that golden ornaments melted into biscuits will be identifiable by any reasonable person.



13. So far as the case of the petitioner, namely, Anuradha Kumari of Cr. Misc. No. 65854 of 2025 is concerned, it has been alleged that on the confessional statement of Dipak Munshi, some of the looted gold jewellery was recovered from the house of the Phul Pari Devi. The petitioner is the married daughter of the said Pari Devi, and does not generally reside with her. On the said date of recovery, the petitioner (Anuradha Kumari) came to meet her mother where she was apprehended.

14. It has been submitted that she is a lady with no criminal antecedent and has remained in custody since 24.06.2025 with no fault. The recovery, if any, has been made from the house of the petitioner's mother, there is no recovery from the conscious possession of this petitioner.

15. Needless to reiterate that at worst, the allegation against the petitioner is that of Section 317 (5) of the BNS, the punishment being as stated (supra).

16. Learned APP for the State has conceded to the argument of the petitioner that the recovery was made from the house of the petitioner's mother.

17. As far as the petitioner, Dipak Kumar of Cr. Misc. No. 72320 of 2025 is concerned, he too has the allegation of receiving and concealing 342 gm of the stolen article of gold.



The nature of the allegation against this petitioner is largely similar with the petitioner, namely Bittu. He too has no criminal antecedent.

18. Considering the arguments advanced on behalf of the learned counsel for the petitioners, materials available on record and also the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Samastipur Town P.S. Case No. 113 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur/concerned Court **with a condition that they shall cooperate in their trial and that one of the bailors shall be a near relative of the petitioners.**

(Ashok Kumar Pandey, J)

Jagdish/-

AFR/NAFR	NAFR
CAV DATE	05.12.2025.
Uploading Date	
Transmission Date	

