

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1636 of 2025

Arising Out of PS. Case No.-220 Year-2024 Thana- KAMTAUL District- Darbhanga

Sanjay Kumar S/o Vishnu Sah R/o Village- Soda Godam, P.S.- Sikandarpur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kamtaul P.S Case No. 220 of 2024 registered for the offence punishable under Sections 331(4), 305 of the Bhartiya Nyaya Sanhita (BNS), 2023.

3. As per the prosecution case, on 02.08.2024 at about 1.00-2.00 AM in the night some persons had broken the lock of the informant's room and took away ornaments worth Rs. 5,00,000/- and cash of Rs. 25,000/- along with documents relating to land. The petitioner also came to know that the same occurrence took place in the house of the *Ravi Ranjan Kumar Thakur* and the accused persons said to have stolen five silver coin, five silver bettle leaf, five silver nut and cash of Rs.



9,000/-.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Similarly situated co-accused persons have already been granted bail by the coordinate Bench of this Court vide order dated 08.10.2024 passed in Cr. Misc. No. 72705 of 2024. The petitioner has clean antecedent as stated in para 3 of the bail petition and he is in no way connected with the alleged crime.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the fact that no incriminating article has been recovered from the conscious possession of the petitioner and the petitioner is not named in the F.I.R. and his name has transpired in this case merely on the basis of confessional statement of the co-accused *Mangal Singh* and also the fact that *Mangal Singh* has been granted regular bail by this Hon'ble Court, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga, in connection with Kamtaul P.S Case No. 220 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. Accordingly, the present application stands allowed.

(Sourendra Pandey, J)

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