

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12759 of 2026

Arising Out of PS. Case No.-950 Year-2019 Thana- ARA NAWADA District- Bhojpur

Avinash Tiwari S/O Mantu Tiwari R/O Village- Gram-Berain, P.O- Khutaha,
Berain P.S.- Aara Nawada, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-04-2026 Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Bharan Bhushan.

2. The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 950 of 2019 for the offence registered under sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. As per the prosecution story, the informant (the lawyer working for the Amazon company and is now dead) on instructions, lodged the FIR alleging that five orders were placed for delivery of Apple iPhones and was delivered near IGIMS, Pillar no. 17, Patna. However, all of them complained it to be of damaged condition whereafter this petitioner who served as the delivery agent for the Amazon returned it. When it reached the Hyderabad office, it was found that these are dummy mobiles. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he being the delivery boy, was made a scapegoat, the petitioner diligently received the damaged mobiles and handed it over to the Ara office and actually, the problem has been created by the local office while sending it to the Hyderabad office. He has no role to play in the matter.

5. Mr. Bharat Bhushan represents the State and he has taken this Court to learned Sessions Judge order to show that he is the main person who delivered the mobiles and also took it back but actually, the dummy mobiles reached Hyderabad office.

6. He has further taken this Court to paragraph 29 of the case diary which is the supervision note of the Sub-Divisional Police Officer, Sadar, Ara to show that he has found the case to be true against this petitioner. The last submission is that the FIR is of the year 2019 and seven years later, the present anticipatory bail application.

7. Taking into account the submissions of the parties and the allegation that has come against the petitioner, certainly no case of anticipatory bail is made out.

8. The petition accordingly stands rejected allowing the petitioner to surrender/ file appropriate petition if he thinks



that there is/are involvement of other persons who have been left out while singling out him as an accused in the present case.

9. However, if the petitioner surrenders within a period of four weeks from today, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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