

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10324 of 2026

Arising Out of PS. Case No.-244 Year-2025 Thana- SIMRAHA District- Araria

Raja Sah @ Raja Kumar S/o Sunil Sah Resident of village- Matiyari, Ward
No. 01, Police Station- Araria, Distt.- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-02-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Simraha P.S. Case No.244 of 2025, F.I.R dated 24.02.2025 registered for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, based on a written application filed by the informant, Rabi Kumar Bahardar, that on 02.10.2025 at about 7:30 PM, he and his brother-in-law, Vijay Kumar Chaudhary, went to the Khwaspur Durga Mandir Durga Puja fair on a TVS Apache RD 160 CC motorcycle (Reg. No. BR-11 AE 8502). After visiting the fair, they found the motorcycle missing. Despite searching the fair premises and



nearby areas, it could not be traced. The motorcycle, owned by Vijay Kumar Chaudhary, was allegedly stolen by an unknown person, and the informant requested Simraha Police Station to take appropriate legal action.

4. Learned counsel for the petitioner submits that co-accused persons, namely, Santosh Bahardar and Pritam Bahardar were apprehended by the Police with the stolen motorcycle and the name of the petitioner has transpired on the basis of confessional statement made by the co-accused persons without there being any specific allegation attributed against this petitioner. It has next been submitted that the nothing incriminating is said to have been recovered from the constructive possession when his house was put to search in his absence. Lastly, it has been submitted that the petitioner has clean antecedent and has falsely been implicated in the present case due to dirty village politics.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the co-accused persons, namely, Santosh Bahardar and Pritam Bahardar were apprehended by the Police with the stolen motorcycle and the name of the petitioner has transpired on the



basis of confessional statement made by the co-accused persons and the petitioner was neither present at the place of occurrence nor was anything recovered from his constructive possession and the petitioner has clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Simraha P.S. Case No.244 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail



cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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