

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29450 of 2026

Arising Out of PS. Case No.-169 Year-2022 Thana- ADAPUR District- East Champaran

Arun Kumar Sahani @ Arun Kumar S/O Vipin Sahni Resident of Village-
Malahitola, P.S.- Gopalpur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Adapur (Nakardai) P.S. Case No.169 of 2022, dated 06.06.2022, registered for the offence punishable under Sections 379, 413, 414, 34 of the Indian Penal Code.

3. As per the FIR, while the informant was resting after returning from a *baraat* procession, his motorcycle was allegedly stolen. During the course of search, he received information that eight miscreants, riding four motorcycles including the stolen motorcycle, were proceeding towards Adapur. On being chased by the police, four of the accused persons were apprehended, while the remaining four managed to escape with one motorcycle.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the petitioner's name surfaced only on the basis of the confessional statement of the apprehended co-accused, namely, Bheem Kumar Shah. It is further submitted that no incriminating article was recovered either from the conscious possession of the petitioner or from his house, which was searched in his absence. Lastly, it is submitted that the petitioner has no criminal antecedent.

5. On the other hand, learned APP opposes the prayer for anticipatory bail vehemently submitting that since process under Section 82 of the CrPC has been initiated against the petitioner, the application for anticipatory bail is not maintainable.

6. In reply, learned counsel for the petitioner submits that the process under Section 82 of the CrPC was initiated when the petitioner had already approached this Court by filing the present application seeking the privilege of anticipatory bail. In support of his submission, he placed reliance upon the order passed by the Hon'ble Supreme Court in ***Asha Dubey v. The State of Madhya Pradesh*** [Cr. Appeal No. 456 of 2024 (arising out of SLP (Crl.) No. 13123 of 2024)],



wherein paragraph 8 reads as follows:

“Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the CrPC, it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail.”

7. Considering the aforesaid submissions of the parties and the fact there there is no recovery from the constructive possession of the petitioner and that the petitioner has no criminal antecedent, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 SDJM, Raxaul at Motihari/Successor Court in connection with Adapur (Nakardei) P.S. Case No.169 of 2022, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the 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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