

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35880 of 2026

Arising Out of PS. Case No.-16 Year-2025 Thana- BHARGAMA District- Araria

Masum @ Md. Masum Son of Md. Ikram Resident of Village- Shankarpur
Gajbi, Ward No. -09, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhargama P.S. Case No. 16 of 2025 for allegedly having
committed offences under Sections 313, 317(4), 317(5) and 3(5)
of the B.N.S., 2023.

3. As per the prosecution story, which has been lodged
on the basis of the written report submitted by the informant, to
the effect that he got a confidential information that 4-5 thieves
have assembled at Lachha Nadi Bridge. To verify the
authenticity of the said information, the informant along with
the police party reached near the place and saw three persons
standing there, who started to flee away, however on chase, one
person was apprehended. The apprehended person disclosed his



name as Gaurav Kumar Yadav and he further disclosed that the name of the persons who fled away as Bechan and the petitioner herein. He confessed that he along with the petitioner and Bechan are indulged in motorcycle theft and other things and with the help of the petitioner sells them in Nepal. On his confessional statement, the police team proceeded for search of the house of co-accused, Bechan. When the police party reached near his house at around 23:55 hours, one person started fleeing away, however he was apprehended and he disclosed his name as Md. Ali Raza @ Bechan. Upon search of the house of the co-accused, Md. Ali Raza @ Bechan, one Discover motorcycle, without a number plate, was seized and no paper with regard to the same was produced. The co-accused, Bechan accepted in his confessional statement that he along with co-accused, Gaurav Kumar Yadav and the petitioner are indulged in motorcycle theft and used to sell the said motorcycle in Nepal. At around 00:45 hours, the police party reached the house of the petitioner and upon seeing the police party, one person managed to flee away from there. The local *Chowkidar* identified the person, who fled away, as the petitioner. The house of the petitioner was also searched and from his courtyard, one silver colour Bullet motorcycle, bearing Registration No.BR-38T-7707, was



recovered. No paper with regard to the said motorcycle was produced by the family members of the petitioner herein and therefore the said motorcycle was also seized.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. His name transpired in the present case on the basis of the confessional statement made by the co-accused, Gaurav Kumar Yadav and Md. Ali Raza @ Bechan. He further submits that the motorcycle was not recovered from the possession of the petitioner and the said motorcycle was seized from near the road side of the house of the petitioner. The learned counsel for the petitioner further submits that even if the allegations are accepted to be true, then the petitioner resides in a joint family property and therefore it cannot be said that the motorcycle was recovered from the house of the petitioner. He submits that the petitioner is an accused in one another case, bearing Araria P.S. Case No.506 of 2021, which has been registered under Section 392 of the Indian Penal Code and in which he is on bail. He further submits that even the copy of the seizure list was not provided to the family members of the petitioner.

5. *Per contra*, the learned APP for the State opposes the prayer for grant of anticipatory bail to the petitioner and



submits that the petitioner is an accused in one another case, which has been lodged under Section 392 of the Indian Penal Code and on the confessional statement made by the accused, the Bullet motorcycle was recovered from his house, therefore the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions and after going through the records, it appears that the name of the petitioner transpired in the present case on the basis of the confessional statement given by the co-accused, Gaurav Kumar Yadav and Md. Ali Raza @ Bechan before the police. Upon the said confessional statement, when the house of the petitioner was searched, the petitioner was not present at the place of occurrence and is said to have fled away, upon seeing the police party, however a Bullet motorcycle was found in the courtyard of the house of the petitioner and for which no paper was produced by the family members. The recovery, pursuant to the disclosure made by the co-accused, has been made from the courtyard of the house of the petitioner and therefore in the considered opinion of this Court, the petitioner does not deserve the privilege of anticipatory bail.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected in connection with



Bhargama P.S. Case No.16 of 2025, pending in the court of the
learned Chief Judicial Magistrate, Araria.

(Ritesh Kumar, J.)

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