

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39138 of 2026

Arising Out of PS. Case No.-309 Year-2026 Thana- KISHANGANJ District- Kishanganj

Anwarul Haque, S/o Mohammad Isahaque, Resident of Village- Naya Tola
Gachhpara, Ward No.- 13, P.O. Gachhpara, P.S.- Kishanganj, District-
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Shah Nawaz Ali, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kishanganj P.S. Case No. 309 of 2026 registered for the offences punishable under Sections 331(4), 305(e) of the B.N.S., 2023.

3. While the rice mill of the informant was closed, in the meanwhile, some unknown persons took away 37 quintals of rice belonging to the FCI. On CCTV footage, the petitioner was identified, who was instrumental in taking away the rice.

4. Learned Advocate for the petitioner referring to the FIR contended that the petitioner is said to be working as a daily wager in the mill, in question, and, as such mere suggestion that



he has been identified on CCTV footage is not enough unless its is alleged that he was also found in taking away the rice, in question. The alleged occurrence took place in the mid night of 21.03.2026, but the present FIR came to be instituted on 23.03.2026. All the more, no incriminating material, much less the stolen rice has been recovered from the whereabouts of the petitioner. The persons, whose names transpired during the course of investigation, they have been extended the privilege of anticipatory bail in Cr. Misc. No. 36328 of 2026 vide order dated 03.06.2026. The petitioner is said to be a man of fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned APP for the State opposes the bail application and submits that once the petitioner has been identified in the CCTV footage while the theft was being committed, nothing more is required.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner was working in the mill as a daily wager and therefore his identification in the CCTV footage with an only allegation that he was also involved in the crime is not suffice, rather some more materials are required, beside the fair



antecedent of the petitioner and other co-accused persons, whose names have been transpired during the course of investigation, have been extended the privilege of anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 309 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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