

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38775 of 2026**

Arising Out of PS. Case No.-32 Year-2019 Thana- BIBHUTIPUR District- Samastipur

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Sunil Kumar Mahto, aged about 41 years, Male, Son of Ramawtar Mahto,  
Resident of Village- Bishanpur Ramaili, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

5      27-07-2026                      Heard learned counsel for the petitioner, learned APP  
for the State and perused the case diary.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 396 of the Indian Penal Code.

3. As per allegation in the FIR, the uncle of the informant, namely, Rajeev Kumar Singh used to reside in the village Mahti and on 08.02.2019, his uncle was not seen in the Thakurwari and when the informant along with villagers went at the said village and started to search his uncle, then a dead boy of his uncle was found inside the Thakurwari where another priest was found in unconscious condition and several valuable idols were removed from the Thakurwari.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that during course of investigation, the information given by the spy and investigating officer noted down the mobile number of four persons and on that basis, the investigating officer has arrested one co-accused Prince Kumar and whose confessional statement was recorded and he confessed his guilt. He next submits that co-accused Nepo Singh @ Gopal Kumar has already been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. no.81886 of 2019, petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that he stolen the idols of the temple.

6. On perusal of the first information, case diary and impugned order dated 06.05.2026, it appears that co-accused Prince Kumar was arrested who disclosed the name of other co-accused including the present petitioner and present petitioner has disclosed that on account of being involved in loot and smuggling of valuable idols became acquainted with his group comprising with co-accused and a deal was struck with the



present petitioner regarding the stolen idol of present case. In paragraph-59 of the case diary, it reveals that a telephonic conversation of the present petition on the date of alleged occurrence with other co-accused involved in this case including those who have been arrested with co-accused Dr. Md. Shahnawaz and several witnesses have supported the case of the prosecution, so I am not inclined to grant anticipatory bail to the petitioner.

7. Prayer for anticipatory bail of the petitioner is hereby rejected.

**(Ramesh Chand Malviya, J)**

Brajesh Kumar/-

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