

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70890 of 2025

Arising Out of PS. Case No.-283 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Santosh Kumar S/O Jiyalal Sah R/O Vill.- Ajagari Naya Tola, P.s.- Banjariya,
Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-02-2026 Heard Mr. Sunil Kumar No.III, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Motihari Muffasil P.S. Case No. 283 of 2025 for the offence punishable under Sections 309(4) of the Bhartiya Nayay Sanhita, 2023 Act lodged on 09.05.2025 by the informant, Munna Kumar.

3. As per the prosecution story, the informant alleged that while he was moving on motorcycle with Rs. 22 Lakhs to buy jewellery but on the way, three accused persons intercepted and looted the bag. This led to the F.I.R.

4. Subsequently, as the story unfolds, during the investigation one Santosh Kumar was taken into custody which



led to the implication of this petitioner and the learned Sessions Judge order records that they were in conversation with each other and direction was given to keep the mobile switched off at the time of occurrence.

5. This Court has recorded in Cr. Misc. No. 81943 of 2025 that (Chandan Kumar vs. The State of Bihar) disposed of on 03.12.2025 that it was the petitioner herein who after being taken into custody made confessional statement that he alongwith five others actually looted Rs. 22 laksh. The police investigation also shows that from the house there is recovery/seizure of a knife as also Rs.10,000/- wrapped in a clothe.

6. Learned counsel for the petitioner submits that though Chandan Kumar has been denied bail by this Court, one Chetan Kumar has been extended relief by a coordinate bench in Cr. Misc. No. 73661 of 2025.

7. Learned APP Mr. Jitendra Kumar Singh submits that the accused persons who looted Rs.22 lakhs are Chandan Kumar, Santosh Kumar, Jeet Kumar, Munna Kumar, Guddu Sahni and Raja Prasad. Chetan Kumar was an employee of jewellery shop and he cannot be equated with the present accused persons.



8. Considering the submissions of the parties as also the role of the petitioner from whom not only there is recovery, he also narrated the actual crime seen which is coupled with the fact that he has criminal antecedent of the same nature, in that background, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly, rejected.

(Rajiv Roy, J)

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