

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89259 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- BHAPTIAHI District- Supaul

Sanjay Mukhiya @ Sanjay Kumar Mukhiya S/o Mahendra Mukhiya R/o
Village- Narayanpur, Ward No.11, P.S- Bhaptiyahi (Bhaptai Sarai), Dist-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 15-01-2026 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Bhaptai Sarai Police Station Case No. 63 of 2025,
dated 15.03.2025, disclosing offences under Sections
351(4)/352/303(2)/3(5) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report,
is that on 27.02.2025, the informant, along with her
family members, had gone to attend a marriage ceremony
and while she was returning, she saw that the petitioner,
along with other accused persons, were fleeing away with
a small box from her house. The informant tried to stop



them and raised alarm, but the accused persons succeeded in fleeing away on motorcycle. The informant, thereafter, informed her husband and son and also found that two boxes were missing from her house. The boxes contained gold and silver jewelry and cash worth of Rs. 1,20,000/-. It has further been stated that after one day of the incident, the empty boxes were found lying near Jilla Dumari. Since, panchayati was being organized due to which there is delay in giving written application.

4. Learned counsel for the petitioner submits that both the informant and petitioner are co-villagers having previous enmity. She next submits that there is inordinate delay in lodging of the First Information Report inasmuch as the occurrence has taken place on 27.02.2025, but the FIR has been lodged after delay of about 16 days on 15.03.2025 without any plausible explanation.
5. On the other hand, learned counsel for the State opposes the prayer for anticipatory bail and submits that from perusal of the order passed by learned Sessions Judge, Supaul, it would be evident that notice under Section 35 (3) of the Bhartiya Nagrik Suraksha Sanhita was issued to the petitioner for participating in the investigation, but the



petitioner failed to co-operate in the investigation. The investigation of his case is at primary stage, the police has to recover the stolen articles.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is delay in lodging First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail, subject to the condition that the petitioner shall co-operate with the police in investigation.
7. It is made clear that if at any stage it appears to the police that the petitioner is not co-operating in the investigation, the prosecution shall be at liberty to file petition for cancellation of bail before this Court.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Bhaptai Sarai Police Station Case No. 63 of 2025, subject to the condition laid down under Section 482 (2) of the Bhartiya



Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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