**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.45603 of 2026**

Arising Out of PS. Case No.-110 Year-2024 Thana- NATIONAL HIGHWAY District- Samastipur

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Avinash Kumar @ Mithua S/O Ashok Singh Resident of Village- Kothiya, Kothiya, Police Station- Bangra, Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Ms. Mili Kumari, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

4 20-08-2026 Heard Ms. Mili Kumari, learned Advocate for the petitioner and Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with N.H. Bangra P.S. Case No.110 of 2024 registered for the offences punishable under Sections 303(2) & 334(1) of the BNS.

3. On the morning of 21.08.2024, when the informant reached at his PACS warehouse, he found that the warehouse lock had been broken and a computer set, printer, inverter, battery, stabilizer and other documents belonging to the company were missing. The FIR clearly discloses that the same has been instituted against unknown thieves, later on in course of investigation, one Dipanshu Kumar was apprehended. Based

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upon the confessional statement of Dipanshu Kumar, the police raided the house of the petitioner and recovered an INP Company monitor and a web camera.

4. Learned Advocate for the petitioner adverting to the aforesaid facts, submitted that the very articles which are said to have been recovered from the house of the petitioner has never been put on Test Identification Parade and as such, the claim of the investigating officer that it is a subject matter of theft is unfounded. The implication of the name of the petitioner is rest only upon the confessional statement. However, it has not been disclosed that the petitioner was also one of the associate in committing the theft. Even if the case is taken to be true for the sake of argument, the petitioner can be said to be a person, who received the stolen property but the question would arise whether the petitioner was aware of the fact that the articles in question were the subject property of theft or not. It is further argued that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently oppose the bail application and submits that the involvement of the petitioner is *prima facie* established, once

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the stolen property has been recovered from his house.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that till date the stolen property has not been put on Test Identification Parade nor it is said to have been recognized by the owner of the same; besides the petitioner carries fair antecedent and a young man aged about 21 years, this Court find that the petitioner is able to make out a *prima facie* case for anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with N.H. Bangra P.S. Case No.110 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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