

IN THE COURT OF ADDITIONAL SESSIONS JUDGE 5

Civil Court, Bhagalpur, Bihar

Present: Sri Amit Kumar Singh**ABP No. 772 of 2026 CNR No. BRBG01-003708-2026**

[Arising out of Shahkund P.S. Case No. 498/2023]

Super Kumar vs. The State of Bihar

Sl No.	Date of Order of the proceeding	Order with initials of the Court	Remarks, with action taken by the officer, in any
1	2	3	4

04.05.2026	1. The present petition dated 15.04.2026 has been filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the petitioner/accused Super Kumar in connection with Shahkund P.S. Case No. 498 of 2023 dated 17.11.2023, registered under Sections 457 and 380 of the Indian Penal Code. 2. The Case Diary has been received as called for. On being pressed, the Court heard Sri Dinesh Prasad Suman, learned counsel appearing on behalf of the petitioner, and Sri Abhay Kumar Singh, learned Additional Public Prosecutor for the State. 3. The prosecution case, as per the written report of the informant Md. Sahid Raza, is that on 16.11.2023 at about 12:00 midnight, the informant kept his mobile phone under the pillow and went to sleep. On waking up at 6:00 AM the next morning, he found his mobile missing. Upon searching, he called his number from another phone, whereupon someone received the call, said "hello," and immediately disconnected. Thereafter, the mobile remained switched off. 4. Learned counsel for the petitioner submitted that the petitioner is innocent and has committed no offence. It was argued that the petitioner has not filed any bail petition of this nature either before this Court or before any superior Court. It was further submitted that the petitioner has no criminal antecedents and the allegations are false and fabricated. Counsel contended that the petitioner had found the mobile phone in a field and voluntarily produced the same before the police, pursuant to which a production-cum-seizure list was prepared on 24.06.2025. Despite this, the police subsequently surrounded the petitioner's house and directed his family members to advise him to surrender, thereby	
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treating him as the culprit. It was further argued that there is no material connecting the petitioner with the alleged theft, no recovery was made from his conscious possession, and the police either failed to investigate properly or are shielding the real culprit. The petitioner had no knowledge that the mobile was stolen and, having himself produced the mobile before the police, deserves to be enlarged on bail.

5. Learned Additional Public Prosecutor opposed the prayer for anticipatory bail.
6. Having considered the submissions of both sides and perused the materials available in the Case Diary, it appears that the mobile phone in question was admittedly produced by the petitioner before the police, and a production-cum-seizure list was prepared. The prosecution has not demonstrated recovery from the conscious possession of the petitioner. The petitioner has no criminal antecedents. The allegations, at this stage, do not *prima facie* establish direct involvement of the petitioner in the alleged theft. The apprehension of arrest, in the circumstances, appears to be disproportionate to the material presently available.
7. Accordingly, the anticipatory bail petition of Super Kumar is **allowed**. It is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner Super Kumar shall be released on bail on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Trial Court, subject to the following conditions:
 - a. The petitioner shall cooperate with the investigation and make himself available for interrogation as and when required.
 - b. The petitioner shall not tamper with evidence or influence

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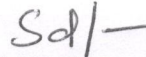
witnesses in any manner.

- c. The petitioner shall not leave the jurisdiction without prior permission of the Court.
- d. The anticipatory bail petition is accordingly allowed.

8. Violation of any of the above conditions shall entail cancellation of bail.

9. The instant bail petition is disposed of accordingly.

Dictated and corrected



Additional Sessions Judge 5
Bhagalpur, Bihar
04.05.2026

Date of judgment/order	04.05.2026
Date of Reserving judgment/order	-
Uploading Date	05-05-2026
Uploaded by	Stenographer