

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 607/2026

Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari

IN THE MATTER OF:

Santosh Kumar aged about 27 yrs.

S/O Mishrilal Rai

R/O Vill.- Saadha, PS- Motipur,

Distt- Muzaffarpur

----Accused/Petitioner

Vs

State of Bihar

----Opposite Party

P.S.- Pakridayal

PS Case No. 06/14

Offences u/s- 392, 394 IPC

District: East Champaran

Ld. Counsel for State →

A.P.P. Sri S. C. Prasad Yadav

Ld. Counsel for applicant →

Ld. Adv. Sri Kanhaiya Kumar Singh

ORDER

13-05-26

1. Vide this order, anticipatory bail application u/s 482(1) B.N.S.S. filed by the petitioner above named dated 29-01-26 is being disposed off.

2. Briefly stated the prosecution story in nutshell is that on 12-01-2014, informant's driver along with two persons were returning home with his new tractor and as soon as he reached. On 12.01.2014 at about 9:30 pm, when they reached near bridge situated in village Chaita, a Tata Magic suddenly overtook the tractor and stopped in front of it and 10 to 12 persons lashed with deadly weapons, snatched the mobile phones, license, documents & cash from the passengers of tractor, tying their hands & feet and also took away the tractor with them.

3. Submitting the point learned counsel for the defence argued that the petitioner has filed no bail application in any court in connection with the present case and however three another case is pending against him but he is quite innocent and has committed no offence as alleged, falsely implicated on mere suspicion & dirty politics as his name has surfaced during confessional statement of co-accused having no evidentiary value. It was further submitted that there is no material against this petitioner and he deserves to be enlarged on bail accordingly, prayer for anticipatory bail was made.

4. Ld. Addl. P.P. for the state very vehemently opposing the bail application submitted that

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allegations against the petitioner is serious in nature however no substantial argument was made.

5. I have heard both the sides and gone through the case record and the case diary.

6. At this stage, it may be noted that the case of this petitioner is under investigation, whereas, in original case after submission of charge sheet cognizance has been taken for the offence punishable u/s 395, 412 IPC against the co-accused persons. However, the name of the petitioner has surfaced in confessional statement of co-accused, during investigation but is absconding since long and process u/s 82 Cr. P.C. has also been issued to secure his presence. This petitioner is having criminal antecedent of similar nature, indicating his continuous involvement in criminal activities as well as reflecting propensity towards commission of offences and at the stage of consideration of anticipatory bail, the court is required to assess only the prima-facie involvement of the applicant not to conduct a detail examination of the evidence, thus, the nature of allegation, gravity of the offence and antecedents of the applicant do not persuade this court to exercise discretion of granting pre-arrest bail in his favour.

7. In view of the aforesaid facts & circumstances discussed above, taking into account the seriousness of the offence as alleged, where custodial interrogation may be needed and also the case being at its initial stage, the court is not inclined to grant any relief, whatsoever it may be, to the petitioner and accordingly, prayer for anticipatory bail of the petitioner namely **Santosh Kumar** is hereby **rejected** out rightly.

8. It is further clarified that observations made in the present anticipatory bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation/trial of the present case which is separate issue as per law.

9. Let, this order be sent to the concern court and file be consigned to the record room after return of documents/materials submitted; if any; to the parties as per provisions.

Sd/-

(RAJENDRA KUMAR SINHA)

D.A.S.J. -V, Motihari