

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 1755/2026

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

IN THE MATTER OF:

Vishal Kumar aged about 26 yrs.

S/O Naresh Raut

R/O Vill.- Gamhariya, PS- Darpa,

Distt- East Champaran

----Accused/Petitioner

Vs

State of Bihar

----Opposite Party

P.S.- Darpa

PS Case No. 226/25 dated 09-09-25

Offences u/s- 331(4), 305 B.N.S.

District: East Champaran

Ld. Counsel for State →

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

Ld. Counsel for applicant →

Sri Satyendra Kr. Singh

ORDER

23-04-26

1. Vide this order, anticipatory bail application u/s 482(1) B.N.S.S. filed by the petitioner above named dated 02-04-26 is being disposed off.

2. Briefly stated the prosecution story in nutshell is that on 09-09-25 between 4:00-4:30 am lurking house trespass of the informant's house, the accused persons took away the jewelries of informant's daughter in-law and out of them, the informant identified two accused persons.

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 one 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 persons having no evidentiary value. It was further submitted that there is no material against this petitioner and he deserves to be

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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 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 is under investigation, the name of the petitioner has surfaced during investigation and though the confessional statement is weak evidence but at the stage of consideration of anticipatory bail the court is required to assess the prima-facie involvement of the applicant not to conduct a detail examination of the evidence. The case diary further perused that the applicant has criminal antecedents which reflects on his conduct and propensity. The stolen article yet to be recovered. 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 Vishal 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