

**In the Court of Additional Sessions Judge-II, Supaul**

**A.B.A.-46/26**

**(Arising out of Supaul P.S. Case No.- 438/24)**

**Subodh Sharma**, Aged about-24, S/o- Raju Sharma, R/o- Ward No.- 26, Nagar Parishad, Supaul.....Petitioner

**Versus**

State of Bihar .....Opposite Party

24/04/26

An anticipatory bail petition filed on behalf of petitioner Subodh Sharma, who is apprehending his arrest in connection with Supaul P.S. Case No. 438/24, registered u/s 331(4), 305(A) of BNS, has been pressed today for hearing.

Heard Sri Raj Kumar Singh Advocate, learned Counsel for petitioner and Mr. Md. Abu Jafar, learned APP for the State.

Prosecution case as per the FIR lodged by informant Kunal Kumar, in brief, is that on 07.07.24 at about 2:00 AM, theft was committed in his house, wherein his laptop (HP Pavilion X630), mobile phone (Oppo) and one *mangalsutra* were stolen by unknown thief.

Learned counsel for the petitioner has submitted that the petitioner is quite innocent and has not committed any offence and has been falsely implicated in this case. It is also submitted that no other bail application on behalf of petitioner has been filed in any court. Learned counsel for the petitioner further submits that two other cases are registered against the petitioner; however, the alleged offence in this case is not made out against him. It is placed that petitioner and the informant are residents of same locality, wherefore, there exists enmity between them. It is submitted that petitioner is ready to furnish reliable sureties, wherefore, it is prayed that petitioner be admitted to anticipatory bail.

Learned APP opposes the anticipatory bail prayer on behalf of petitioner and prays for rejection of the same.

Heard and perused the record including LCR, FIR and Case diary. Allegedly the case pertains to the offence of theft in dwelling house in the night, wherein, valuables like laptop, mobile phone and ornament were stolen. It is evident from the perusal of para 63 and 67 of the case diary that the accused petitioner was using the stolen mobile phone of the informant with a different sim card. Though, the petitioner has not been named in FIR; but, para 74 and 75 of the case diary reflect that he was earlier apprehended by police in connection with this case as the stolen mobile phone was recovered from his possession. On perusal of para 82 of the case diary, it appears that the petitioner managed to flee from police

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custody and for that a separate case, bearing Supaul P.S. case No. 771/24 was registered against him. It also appears from the case diary that the informant in his re-statement (para 2) and other witnesses in their respective statements (para 5 & 6) have supported the factum of occurrence. Para 109 of the case diary reflects that the petitioner has criminal history of three other cases including one case registered for offence u/s 302 IPC and other sections. Moreover, investigation is still continuing and there is chance that the petitioner may undue influence and tamper with the evidence, if he is granted the facility of anticipatory bail.

In view of aforesaid discussion, this court is not inclined to admit the petitioner on anticipatory bail. Accordingly, instant prayer for anticipatory bail on behalf of petitioner **Subodh Sharma** stands **Rejected**.

Dictated

(RAKESH KUMAR-III)  
ADDITIONAL SESSIONS JUDGE-II  
SUPAUL