

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50945 of 2014

Arising Out of PS.Case No. -243 Year- 2013 Thana -RAJAULI District- NAWADA

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Kishor Yadav Son of Prasadi Mahto Resident of Village - Dongodih, P.S.-
Marachho, District -Kodarma

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajani Kant Singh, Advocate

For the Opposite Party : Mr. Durgesh Nandan, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 21-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Kishor Yadav, in connection with Rajauli Police Station Case No. 243 of 2013 under Sections 142/382/411 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 16.08.2014, passed, in A.B.P. No. 376 of 2014, by the learned Sessions Judge, Nawada, rejecting the said application for pre-arrest bail.

Heard Mr. Rajani Kant Singh, learned counsel for the petitioners, and Mr. Durgesh Nandan, learned Additional Public Prosecutor, appearing for the State.

It is submitted on behalf of the petitioner that it was on the basis of confession of the co-accused that the police are looking for the petitioner inasmuch as the confession of one of the

accused arrested in the case aforementioned implicates the present petitioner. It is also submitted that since the confession of co-accused cannot be made basis of conviction, he may be allowed the benefit of pre-arrest bail.

Even if the above submissions were true, the fact remains that as far as investigation of the case is concerned, confession of co-accused is a relevant consideration as it may help the investigation to be effectively carried and determine the guilt and involvement of the assailants.

The present case relates to theft of truck and, in such circumstances, on the face of incriminating materials available against the petitioner, it cannot be said that his custodial interrogation is not warranted in order to effectively carry out the investigation.

Considering, therefore, the matter in its entirety, this Court is of the view that in the facts and attending circumstances of the present case, the petitioner has not been able to make out any case calling for giving him benefit of pre-arrest bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

(I. A. Ansari, J.)

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