

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21303 of 2016**

Arising Out of PS.Case No. -24 Year- 2016 Thana -ITADHI District- BUXAR

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Manish Pandey son of Mundrika Pandey, resident of village- Niyajipur,  
P.S.- Simari, District - Buxar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Narsing Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR**  
**SINGH**  
**ORAL ORDER**

2      25-05-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection with  
Itarhi P.S. Case No.24 of 2016 registered on 10.3.2016 under  
Sections 399 and 402 of the Indian Penal Code as also Sections  
25(1-B)(a), 26 and 35 of the Arms Act.

It has been submitted by the learned counsel for the  
petitioner that though the petitioner is named in the FIR, his name  
has transpired on the basis of disclosure made by a co-accused  
who was arrested on the spot. He has submitted that the statement  
made before the police by an accused has got no evidentiary value.  
He has further submitted that the petitioner is a man of clean  
antecedent and prior to this case, no criminal case was ever

instituted against him.

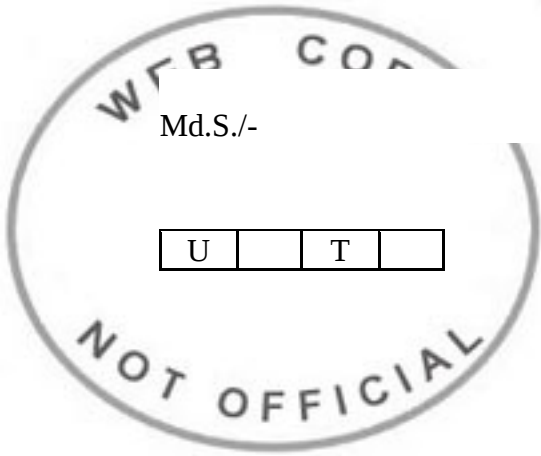
Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that not only in the FIR but also during investigation several witnesses have supported the prosecution case which fact finds mention in the impugned order passed by the learned Sessions Judge.

I have heard learned counsel for the parties and perused the materials available on record.

It would be apparent from the FIR that altogether four persons, being variously armed with pistol, were apprehended by the police and, on enquiry, they disclosed that they had assembled there in order to commit dacoity along with the petitioner who managed to escape on seeing the police party. They further disclosed before the police that earlier also on 10<sup>th</sup> February, 2016 they had robbed some businessmen and the petitioner had actively participated in the said crime. They also disclosed that the cellular phone recovered from them was looted from the victims of the earlier occurrence.

Keeping in mind the allegations made in the FIR, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application preferred under Section 438 of the Code of

Criminal Procedure is rejected.



Md.S./-

(Ashwani Kumar Singh, J)