

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12335 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -SONBERSA District- SITAMARHI

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Hitendra Patel @ Hitendra Raut, Son of Rampukar Raut, Resident of
Village Vishanpur, P.S. Bathnaha, District. Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate

For the Opposite Party : Mr. Sri Sanjay Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Sonbarsa P.S. Case No. 18 of 2016, registered for the offence
punishable under Section 392 of the Indian Penal Code.

Allegedly, two unknown persons looted the
motorcycle of the informant and cash of rupees one lakh and also
his mobile and A.T.M. Card on the point of pistol and knife.
During investigation, the name of the petitioner transpires in the
confessional statement of co-accused Dharmendra Paswan and
also in the statement of the witnesses vide para 12, 13, 14 & 15 of
the case diary.

Submission is of false implication and that there is no



legal and tangible material against the petitioner, besides confessional statement, there is nothing against him and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that witnesses Manoj Mukhiya and Sanjay Mahto, vide pare 12 and 14 of the case diary, have stated the name of the petitioner suggesting his involvement in the crime.

In the facts and circumstances as stated above, considering that the name of the petitioner has come in the statement of the witnesses also and further co-accused Dharmendra Paswan confessed his guilt has also stated the name of the petitioner and, as such, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Sonbarsa P.S. Case No. 18 of 2016, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

(Jitendra Mohan Sharma, J.)

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