

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18958 of 2020**

Arising Out of PS. Case No.-151 Year-2019 Thana- MIRGANJ District- Gopalganj

Rakesh Yadav, Son of Late Kishori Yadav, Resident of Village - Harkhauli
Purab Tola, Mirganj, Ward No. 15, P.S.- Mirganj, District - Gopalganj, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-09-2020 Heard learned counsel for the petitioner and Mr. Brij
Kishore Prasad, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Mirganj P.S. Case No. 151 of 2019
registered for the offences punishable under Sections 414/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that as per
allegations when the police party reached in the campus of the
sugar mill a pickup van was standing there and some persons
were loading iron rod on the said pickup van by way of
committing theft. One gas cutter pipe was also recovered
according to the seizure list. The apprehended accused person
disclosed the name of the petitioner.



Learned counsel submits that so far as this petitioner is concerned, no one has identified him on the spot, he has been named by the apprehended accused but he has no criminal antecedent in such circumstance prayer for pre-arrest bail may be allowed.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case that though the name of the petitioner has been allegedly taken by the apprehended accused, the petitioner has no criminal antecedent and the submission made that it may be a case of over-implication of the accused, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – XVI, Gopalganj, in connection with Mirganj P.S. Case No. 151 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

