

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38515 of 2020

Arising Out of PS. Case No.-159 Year-2017 Thana- KRITYANAND NAGAR District-
Purnia

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TOOFANI RISHI @ TUFANI KUMAR, Son of Nago Rishi, Resident of
Village - Chathariapir, Karbalia Tola, P.S.- Korha, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bal
Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with K. Nagar (Maranga) P.S. Case No. 159 of

2017 registered for the offence punishable under Sections 392,

411 of the Indian Penal Code. Petitioner has got no criminal

antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, while the informant was on way to his

house he was intercepted by four miscreants on the bridge of the



canal and they snatched his mobile, identity card and Passion Pro vehicle bearing no. BR 11N-3653.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the name of the petitioner has been dragged in the confessional statement of the co-accused and nothing has been recovered from the possession of the petitioner.

Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the allegations that this petitioner was one among the three persons who had allegedly intercepted the informant and looted away his motorcycle, the name of the petitioner has transpired in the confessional statement of the co-accused, though the submission is that nothing has been recovered from the possession of the petitioner but on finding that this is a case of the year 2017 in which the petitioner had earlier moved before the learned court below in A.B.P. No. 439 of 2018 which was rejected, still the petitioner did not surrender and further that the petitioner though filed a fresh anticipatory bail application in the learned court below, the same was withdrawn by him unconditionally, this Court is of the



considered opinion that the conduct of the petitioner does not entitle him to seek privilege of per-arrest bail from this Court, particularly when learned counsel for the petitioner admits that the petitioner had withdrawn his prayer for anticipatory bail in A.B.P. No. 452 of 2020 unconditionally.

It is still open for the petitioner to surrender and pray for regular bail in the court below. If he does not do so, the learned court below shall take coercive action in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

