

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39233 of 2020**

Arising Out of PS. Case No.-31 Year-2020 Thana- RAFIGANJ District- Aurangabad

SANTOSH KUMAR @ AVINASH KUMAR, SON OF SRI YOGENDRA
YADAV, RESIDENT OF VILLAGE- BHALUAR, P.S.- UPHARA,
DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Rafiganj P.S. Case No.31/2020
registered for the offences punishable under Sections 417 and
414/34 of the Indian Penal Code.

As per the prosecution story, the informant who is S.I.
of police on secret information arrested two persons on chase
where they were trying to flee away after leaving the stolen
Bolero pickup vehicle without registration number plate. It is



alleged that the arrested persons disclosed their names as Shrawan Kumar and Subodh Kumar. They further disclosed that the said vehicle was stolen by Gautam Kumar, Vikki, Santosh Kumar (petitioner) and Annu Kumari.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Shrawan Kumar and Subodh Kumar in police custody.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the FIR in this case has been lodged by S.I. of Police alleging that the police party had arrested two persons on chase where they were trying to flee away leaving the stolen Bolero Pickup vehicle without registration number plate, the submission being that the name of the petitioner has transpired in the confessional statement of the co-accused Shrawan Kumar and Subodh Kumar in police custody and it is nothing but a case of false implication of the petitioner, the petitioner is a student who has passed his matriculation examination and is presently pursuing his studies and the only case stated in paragraph '3' is



connected with the present case only, otherwise has has no criminal antecedent, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Rafiganj P.S. Case No.31 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

