

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52189 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Mukesh Dharhi @ Mukesh Kumar Son of Balmiki Dharhi, Resident of village
- Sasaur, P.S. - Sarmera, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Lakhisarai P.S.Case No.04 of 2023, registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the allegation made in the FIR, the petitioner along with the other co-accused persons committed loot of Rs.5,000/- and a mobile phone. One co-accused Raj Kumar was arrested and taken into police custody where he disclosed the name of six other co-accused persons including the petitioner, who had fled away from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that the statement made in the police



custody has no evidential value and the petitioner has made specific statement that he has no relation with co-accused Raj Kumar. Petitioner has two criminal antecedent and he undertakes that he will not be involved in any crime in future. He is also ready to make his daily attendance at 9.30 A.M. before the local police station within the jurisdiction where he resides.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation as well as the fact that the name of the petitioner has surfaced on the basis of confessional statement made by co-accused in police custody, which has no evidential value, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai in connection with Lakhisarai P.S. Case No.04 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that he will make his attendance every day in the morning at 9.30 A.M. before the local police station within jurisdiction where he



resides till the submission of the charge-sheet and the S.H.O. of the concerned Police Station is directed to send monthly attendance report of the petitioner to the Superintendent of Police, Lakhisarai.

(Purnendu Singh, J)

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