

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56831 of 2023

Arising Out of PS. Case No.-1013 Year-2022 Thana- SHERGHATI District- Gaya

Shailesh Kumar @ Shailesh Paswan @ Chotu Kumar S/o Surendra Paswan
R/o Village- Nirgeri Tola Wakilganj, Ps- Dhobhi, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Aryan Singh, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sherghati (Dobhi) P.S. Case No. 1013 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. While the informant was coming through a Breeza Car, in the meantime, four persons riding on a motorcycle intercepted the Breeza Car and after assaulting the informant robbed away his belongings and the valuables including cash of Rs.9,40,000/-.

4. Learned counsel for the petitioner submits that the petitioner has neither named in the FIR nor during the course of investigation any incriminating material has come suggesting



his complicity in the present crime. The name of the petitioner has sprung up only on the confessional statement of one Pintu Kumar that too made before the police and, as such, the same is hit by Section 25 of the Evidence Act. He further submits that the motorcycle which was identified during the course of investigation, is belonged to the brother of the petitioner and the same was taken away by co-accused Pintu Kumar and the petitioner has neither any concern with the motorcycle in question nor the said Pintu Kumar. He next submits that, in fact, only on account of one criminal antecedent, the name of the petitioner has been implicated in this case though he has already been allowed bail in the said case. He lastly submits that so far the recovery of some cash amount is concerned, that has been recovered from the possession of co-accused Kaily Devi, Pintu Kumar and one Rahul Kumar.

5. On the other hand, learned counsel for the State vehemently opposes the pre-arrest bail application and submits that the motorcycle, which was used in the crime is belonged to the brother of the petitioner, that apart from the materials available on record, it would appear that all the accused persons including the petitioner are found involved in the present crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of the crime and the materials available on record, apart from one criminal antecedent of the petitioner, this Court is not persuaded to enlarge him on pre-arrest bail. Accordingly his prayer is rejected.

(Harish Kumar, J)

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