

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58217 of 2023

Arising Out of PS. Case No.-167 Year-2021 Thana- BATHNAHA District- Sitamarhi

ARBIND KUMAR @ ARVIND KUMAR (M), aged about 20 years, S/O
RAM BABU RAI @ RAM BABU PRASAD YADAV, R/O VILLAGE-
TANDASPUR, PS. BATHNAHA, DIST. SITAMARHI Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Ritesh Kumar Narain Singh, learned
counsel appearing on behalf of the petitioner and Ms. Shaheen
Begum, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bathnaha P.S. Case No. 167 of 2021 dated 08.07.2021
registered for the offence(s) punishable under Sections 379 of
the Indian Penal Code.

3. FIR is against unknown. Allegation is that of theft
of a motorcycle bearing Reg No. BR30 H- 9789.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is not named in the FIR and
his name has surfaced in the present case in course of
investigation with respect to Bathnaha P.S. Case No.182 of 2021
on the basis of his confessional statement made before the
police custody. No recovery has been made from the house of
the petitioner or any of the family members.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and informed this Court that petitioner has two criminal antecedents but he has been acquitted in both the said cases.

6. Having considered the rival submissions as well as the allegation made in the FIR which is against unknown and also the fact that name of the petitioner has surfaced in the present case on his own confessional statement made before the police which has no evidentiary value, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 167 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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