

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65157 of 2023**

Arising Out of PS. Case No.-110 Year-2023 Thana- ARIYARI District- Sheikhpura

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Santosh Kumar @ Bittu Kumar Son of Krishna Mahto @Krishan Mahto  
Resdient Of Village- Vidyapur @ Bidhapur, Husenabad, Ps- Ariyari @ Ariari,  
Distt- Sheikhpura. ... .. Petitioner/s

Versus

The State of Bihar. ... .. Opposite Party/s

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**Appearance :**

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| For the Petitioner/s       | : | Mr. N. K. Agarwal, Sr. Advocate |
|                            | : | Mr. Roop Kishan, Advocate       |
|                            | : | Mr. Kumar Rajdeep, Advocate     |
| For the Opposite Party/s : | : | Mr. Humayou Ahmad Khan, APP     |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**

**ORAL ORDER**

2      17-10-2023                      Heard Mr. N. K. Agarwal, learned Sr. counsel along

with Mr. Roop Kishan, Advocate appearing on behalf of the

petitioner and Mr. Humayou Ahmad Khan, learned APP for the

State.

2. The petitioner seek pre-arrest bail in connection

with Ariyari P.S. Case No. 110 of 2023 dated 15.04.2023

registered for the offence punishable under Sections 379, 411,

427 and 34 of the Indian Penal Code.

3. Allegation has been made in the FIR that all the

named accused persons, including the present petitioner, stole

C.I. Iron pipes worth Rs. 38,000/- belonging to the Informant.

4. Learned counsel appearing on behalf of the

petitioner submits that due to enmity the present case has been

lodged against the petitioner. He further submits that on mere

suspicion petitioner has been made accused in the present case.

He also submits that the stolen pipes were found near roadside and have already been recovered. Learned counsel submits that antecedent of the petitioner is also clean.

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

6. Considering the nature of allegation made in the FIR, as well as, the fact that the stolen articles have been recovered from roadside, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Sheikhpura in connection with Ariyari P.S. Case No. 110 of 2023 dated 15.04.202, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J.)**

Ashishsingh/-

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