

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64590 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- KATORIYA District- Banka

KULJA PASWAN @ BRAHAMDEO PASWAN Son of Katki Paswan R/o
vill - Madhura, P.S. - Chandan, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Brij Nandad Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Surendra Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Katoria P.S. Case No. 362 of 2022 dated 22.09.2022
registered for the offence(s) punishable under Sections 461 and
379 of the Indian Penal Code.

3. Allegation, as per the FIR, is that the petitioner
and one co-accused, Pappu Soren, have stolen a mobile phone
containing SIM and cash of Rs.2,000/- from the shop of the
informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and his name has
surfaced in this case on the basis of the confessional statement
of co-accused Pappu Soren in police custody. Petitioner has



clean antecedent.

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

6. Considering the nature of allegation levelled against the petitioner in the FIR as well as the facts that petitioner has clean antecedent and his name surfaced on the basis of confessional statement of co-accused Pappu Soren given in the police custody, which has no evidentiary value in view of Section 25 of the Indian Evidence Act, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 362 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Sanjay/-

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(Purnendu Singh, J)

