

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64672 of 2023

Arising Out of PS. Case No.-739 Year-2020 Thana- FATUA District- Patna

Ravi Shankar Kumar aged about 22 years (Male), Son Of Ratan Paswan,
resident of Village- Beldarichak, P.S. Gaurichak, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. N.A. Shamsi, learned counsel appearing
on behalf of the petitioner and Mr. Dasrath Mehta, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Fatuha P.S. Case No. 739 of 2020 registered for the offence
punishable under Section 392 of the Indian Penal Code.

3. As per the allegation made in the FIR, some
unknown miscreants had snatched the mobile phone and Rs.
51,000/- from the informant while he was returning back to
Patna from Fatuha on 17.10.2020. FIR is against unknown.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner is not named in
the FIR. Petitioner has been dragged in the present case on the



basis of confessional statement made by one co-accused, Rahul Kumar and such confessional statement has no evidentiary value in the eye of law which has been recorded in police custody. Petitioner has one criminal antecedent in connection with Fatuha P.S. Case No. 02 of 2021 under Sections 411 and 414 of the Indian Penal Code along with Sections 25 (1-b) a, 26 and 35 of the Arms act, in which he is on bail. On these grounds, petitioner seeks to be released on pre-arrest bail.

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 petitioner is not named in the FIR. Petitioner has been dragged in the present case on the basis of confessional statement made by one co-accused, Rahul Kumar and such confessional statement has no evidentiary value in the eye of law which has been recorded in police custody as per Section 25 of the Indian Evidence Act, 1872. Petitioner has one criminal antecedent in connection with Fatuha P.S. Case No. 02 of 2021 under Sections 411 and 414 of the Indian Penal Code along with Sections 25 (1-b) a, 26 and 35 of the Arms act, in which he is on bail. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City, in connection with Fatuha P.S. Case No. 739 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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