

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71633 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- KARTAHA District- Vaishali

Ved Prakash Tiwari @ Baba @ Gulshan, Male, Aged about 20 years, Son Of
Jay Prakash Tiwari, Resident Of Village- Gurmiya, P.S.- Kartahan, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Deepak Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Amitesh Kumar, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kartahan P.S. Case No. 24 of 2023 dated 09.05.2023
registered for the offence punishable under Sections 399, 402,
414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35
of the Arms Act.

3. As per the allegation made in the FIR, petitioner
along with other accused with an intention to commit crime had
assembled together and after seeing the police force, the
petitioner along with other accused person had managed to flee
away, however, the apprehended accused persons had disclosed



the name of the petitioner in police custody.

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 a student of B.C.A. final year and due to enmity his name has been disclosed by the accused persons. Recovery of arms and other incriminating articles were made from the possession of the miscreants, who were apprehended by the police. Nothing has been recovered from the possession of the petitioner. Petitioner has one criminal antecedent of similar nature. 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 information that the accused persons who were apprehended had disclosed the name of the petitioner in police custody, which has no evidentiary value in the eye of law. No arms or incriminating articles were recovered from the possession of the petitioner. 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 six weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Vaishali at Hajipur, in connection with Kartahan P.S. Case No. 24 of 2023, 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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