

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71454 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BHAWANIPUR District- Purnia

Arjun Mandal, aged about 28 years, Gender-Male, Son Of Ramator Mandal,
resident of Village- Kamlakund, Ward No.47, P.S.- Bihariganj, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Bhola Prasad, learned counsel appearing
on behalf of the petitioner and Ms. Pushpa Sinha, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bhawanipur (Akbarpur) P.S. Case No. 208 of 2022
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. Allegation is of snatching of one Vivo mobile
phone and Rs. 5000/- from the informant. 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. Name of the petitioner has surfaced on the basis of confessional statement of one co-accused Arun Kumar, who in police custody has taken the name of the petitioner, which has no evidentiary value in the eye of law. Petitioner has clean antecedent. 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. Having heard the rival submission made on behalf of the parties, as well as, the fact that the petitioner is not named in the FIR. Name of the petitioner has surfaced on the basis of confessional statement of one co-accused Arun Kumar, who in police custody has taken the name of the petitioner, which has no evidentiary value in the eye of law as per Section 25 of the Indian Evidence Act, 1872. Petitioner has clean antecedent. 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



S.D.J.M., Purnia, in connection with Bhawanipur (Akbarpur)
P.S. Case No. 208 of 2022, 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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