

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71649 of 2023

Arising Out of PS. Case No.-394 Year-2023 Thana- PATLIPUTRA District- Patna

Mukesh Saw Son of Naresh Thathera R/O Khusroopur, Bhuski, P.S.-
Khusroopur, District- Patna, Pin Code 803202

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchit Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Sanchit Singh, learned counsel appearing
on behalf of the petitioner and Ms. Pushpa Sinha, learned APP
for the State.

2. Petitioner seeks pre-arrest bail in connection with
Patliputra P.S.Case No.394 of 2023, registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the allegation made in the FIR and the
progress, which has taken place in course of the investigation, it
has been found that the petitioner has allegedly purchased the
robbed gold chain belonging to the wife of the informant.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent. He is resident
of Khusroopur, whereas the alleged incident of snatching of
gold chain has taken place in Patna within the jurisdiction of



Patliputra Police Station, as such, he has no concern either with the earlier case registered in Patliputra Police Station bearing Patliputra P.S.Case No.398 of 2023 or with the present case. It appears that the name of the petitioner has surfaced in course of the investigation on the basis of confessional statement of co-accused, Chootu Kumar. FIR is against unknown. Petitioner has two criminal antecedent- one relating to Patliputra P.S.Case No.398 of 2023, in which similar allegation has been made under Section 392 of IPC and another relating to Khusrupur P.S.Case No.150 of 2020 under Sections 188, 269, 270, 271 of the IPC and 3 of Epidemic Act, in which petitioner is on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and he has submitted that the petitioner has nexus with the accused persons, as such, the petitioner does not deserve to be released on bail.

6. Having considered the rival submissions made on behalf of the parties as well as on perusal of the FIR, it appears that it is against unknown miscreants, the petitioner is gold smith and running a shop in the name and style as '*Maa Bhawani Jewelers*', situated at Khursrupur, whereas the incident of gold chain snatching of the wife of the informant has taken place in Patna within the jurisdiction of Patliputra Police



Station. The law is well settled that the confessional statement made in the police custody has no evidentiary value and I am of the opinion that the petitioner has made out *prima facie* a case to be released on pre-arrest bail. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four 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 ACJM-X, Patna in connection with Patliputra P.S.Case No.394 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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