

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14299 of 2024**

Arising Out of PS. Case No.-244 Year-2023 Thana- BARUN District- Aurangabad

1. Laali Yadav @ Kunal Kumar @ Nityanand Kumar Son of Rajendra Singh @ Rajendra Singh Yadav
2. Bihari Yadav @ Shyam Bihari Kumar Son of Virendra Singh @ Virendra Singh Yadav  
Both are resident of Village - Munshi Bigha, P.S. - Barun, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      12-03-2024                      Heard Mr. Aman Vishal, learned counsel appearing on behalf of the petitioners and Md. Anzarul Haque Sahara, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Barun P.S.Case no.244 of 2023, registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code .

3. As per the allegation made in the FIR, the Tractor and the Trolley of the informant were stolen. Later on, the Tractor was found near the house of one Munna Yadav and the Trolley at the shop of Deepak Kumar and in course of the inquiry, the police arrested co-accused Arvind Kumar, who



disclosed the name of the petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and in support of his statement, he has submitted that he has made specific statement in paragraph 6 of the bail application, which is re-produced *inter alia* as follows : -

“6. That from perusal of FIR it appears the petitioners are not named in the FIR rather their name has transpired in this case on basis of suspicion based on self incriminating extra judicial confessional statement of co-accused Arbind Kumar for alleged involvement in alleged occurrence. Except aforesaid allegation based on suspicion, nothing has been alleged against the petitioners and no cogent materials is on record to implicate him.”

On these grounds, the learned counsel for the petitioners seeks that the petitioners be released on pre-arrest bail taking into consideration the fact that the petitioners have clean antecedent.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that as per the allegation made in the FIR, the Tractor was recovered from near the house of one Munna Yadav and the name of the petitioners has transpired in course of the investigation on the basis of



confessional statement of one co-accused Arvind Kumar and the said Tractor and Trolley were not recovered from the house of the petitioners, the petitioners are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad/concerned court, in connection with Barun P.S.Case No.244 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

**(Purnendu Singh, J)**

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