

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18930 of 2024

Arising Out of PS. Case No.-566 Year-2022 Thana- GARKHA District- Saran

Pradeep Kumar @ Pradeep Kumar Mishra @ Pradeep Mishra Son of Late
Chitranjan Mishr Resident of Village- Afaur, P.S.- Nagara, District- Saran at
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26 & 35 of the Arms Act.

3. The prosecution case, in brief, is that on 28.08.2022, the informant got secret information that near Munni Lal High School situated at village Sadhpur, some criminal minded persons are assembled there with an intention to commit loot. On the receipt of the secret information, the informant along with police personnel reached there and apprehended four accused persons, who disclosed the name of the petitioner as



escaped person. In the presence of two independent witnesses, many incriminating and theft articles have been recovered from their possession.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He was not present at the place of occurrence. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the payer for bail.

6. Having regard to the facts and circumstances of the case, as no incriminating article has been recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six



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 the learned Court below
where the case is pending/successor Court in connection with
Garkha P.S. Case No. 566 of 2022, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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