

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17652 of 2024

Arising Out of PS. Case No.-573 Year-2021 Thana- MADHAURAH District- Saran

Alok Kumar, aged about 26 years, Gender - Male, Son of Manoj Mahto,
Resident of village - Bheldi, P.S. - Bheldi, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-03-2024 Heard Mr. Dewendra Narayan Singh, learned
counsel appearing on behalf of the petitioner and Mr. Nagendra
Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Marhowrah P.S. Case No. 573 of 2021, registered for the
offence punishable under Section 395 of the Indian Penal Code
on 04.10.2021 when Section 412 of the Indian Penal Code was
added on 11.10.2021.

3. As per the allegation made in the FIR, some
unknown persons had looted Rs. 40,02,500/- from the
informant, while he was returning to his home with the said
amount, which was withdrawn by him from the bank.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and have falsely



been implicated in the present case. He further submitted that due to enmity, co-accused Ashu Kuamr @ Ashu Rai has roped the petitioner in the present case. The substantial amount was recovered from the house of said co-accused Ashu Kumar @ Ashu Rai and only Rs. 28,500/- was recovered from the house of the petitioner in course of raid. 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. Considering the rival submissions made on behalf of the parties, as well as, recovery of the amount and the antecedent of the petitioner as mentioned in paragraph no. 3 of the bail application, 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/her arrest or surrender before the Court below within a period of four 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 learned Additional Chief Judicial Magistrate, Saran at Chapra, in connection with Marhowrah P.S.



Case No. 573 of 2021, subject to the condition that one of the bailors should be government official, who will undertake that petitioner will not indulge in any criminal activity in future and other 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 lose its force automatically.

(Purnendu Singh, J)

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