

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20198 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- BELHAR District- Banka

SACHIN KUMAR, aged about 19 years, Gender, Male, S/O- BIBHASH KUMAR @ VIBHASH KUMAR SINGH @ BIBHASH SINGH R/O- VILLAGE- AMAIYA SANGRAMPUR, P.S.- ASARGANJ, DIST.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-04-2024 Heard Mr. Sudhir Kumar Mishra, learned counsel appearing on behalf of the petitioner and Ms. Sharda Kumari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Belhar P.S. Case No. 395 of 2023 registered for the offence(s) punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

3. As per the allegation made in the FIR, the police after receiving a secret information that some miscreants had assembled at a deserted place to commit some offence, they reached at the spot and apprehended four accused persons, namely, Praveen Kumar, Bholu Kumar, Raunak Kumar and Prince Kumar, however, petitioner and one other accused



managed to flee away from the spot. From the possession of arrested persons, arms and other articles were recovered and they had also disclosed the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the disclosure made by the arrested persons in police custody has no legal sanctity or evidentiary value. The petitioner is innocent and he has just emerged as adult and is aged about 19 years and he wants to pursue his study. Petitioner has clean antecedent. Petitioner undertakes that he will not indulge in criminal activities in future and to that effect, he is ready to file his personal affidavit before the District Court.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the information given by the petitioner that petitioner will file his undertaking before the District Court, specially stating therein that in future he will not indulge in any criminal activities and **in case, duly sworn affidavit to the said effect is filed by the petitioner before the District Court, considering the nature of allegation made against him, the District Court is directed to release the**



petitioner, named-above on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 395 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. With the aforesaid observation/direction, the bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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