

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43568 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- CHANDI District- Bhojpur

1. Sumit Kumar Pandey @ Sumit Pandey Son of Shri Amresh Kumar Pandey
Village- Akhgoan, P.O.- Akhgoan, P.S.- Sandesh, Distt.- Bhojpur at Ara
2. Raghubir Pandey through his natural guardian, namely, Shri Bramesh
Kumar Pandey S/O Late Sudama Pandey, Residents of Village- Akhgoan,
P.O.- Akhgoan, P.S.- Sandesh, Distt.- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Pandey, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Chandi P.S.Case No.275 of 2023, registered for the offences
punishable under Sections 341, 323, 504, 506, 427, 385 and
386/34 of the Indian Penal Code and Section 25(1-b)a & 26 of
the Arms Act.

3. As per the allegation made in the FIR, two
unknown persons at the point of Pistol snatched a bag, in which
Rs.80,000/- was kept, however, they were apprehended by the
private persons and produced before the Police.

4. Learned counsel appearing on behalf of the



petitioners submitted that due to enmity, the petitioners have been dragged in a false case. There was no question, as per provision of Section 41 Cr.P.C., to re-arrest the petitioners. The petitioners submitted that a seizure list was prepared but no signature of the petitioners is found on the same. Seizure list is the table work of the Police Officer. Learned counsel further submitted that the entire allegation is forged and fabricated.

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, any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station. A reference of Section 43 of Cr.P.C. in this regard can be taken note of. The petitioners were arrested by private persons. When the police has not kept on record the reason as to why the said person is required to be taken into custody. The seizure list was prepared, however, the petitioners were not apprehended. I find



that no case is made out against the petitioners. The petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District court 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, Ara/concerned court in connection with Chandi P.S.Case No.275 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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