

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37162 of 2024**

Arising Out of PS. Case No.-91 Year-2022 Thana- GHORASAHAN District- East
Champaran

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Pradeep Ray @ Pradeep Kumar, aged about 23 years, Son of Ram Babu Ray
Resident of Village- Bara Pakahi, P.S.- Lakhura, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 08-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Ghorasahan P.S. Case No. 91 of 2022 instituted for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

3. As per the prosecution case, the informant went to
deliver his goods and recover money with his pick-up driver and
returned with his colleague and when he reached near the
bridge, some unknown apache bike rider overtook him and six
unknown persons looted Rs. 4,00,000/- and six cheque on the
point of gun and brutally assaulted the driver of the vehicle and



also snatched Apple mobile from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. The FIR is against six unknown persons. The name of the petitioner came in this case only on the basis of information received by spy. Nothing incriminating article has been recovered from the conscious possession of the petitioner. During the course of investigation the police has not found any implicating material against the petitioner. He next submits that similarly situated co-accused person namely Digambar Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 68170 of 2023 vide order dated 02.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 22nd Additional Sessions Judge East Champaran at Motihari dated 25.04.2024, it appears that the petitioner is not named in the FIR and the name of the petitioner has been surfaced only on the basis of information received by spy. Nothing incriminating has been recovered from the conscious possession of the petitioner and petitioner has got no criminal antecedent and similarly situated co-accused person namely



Digambar Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 68170 of 2023 vide order dated 02.11.2023, so considering all these aspects let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikarhana at Dhaka, East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 91 of 2022, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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