

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40218 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- PURNEA SADAR District- Purnia

Pabitar Yadav @ Pawitra Kumar Yadav, Son of Kistu Yadav Resident of Village - Raili Balwa Toli, P.S.- Amour, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Ram Prawesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Sunil Kumar Pandey, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Sadar P.S. Case No. 80 of 2024, registered under Section 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner is accused of stealing motorcycle of the informant, along with other co-accused.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case and due to previous enmity, his name is intentionally surfaced in the confessional statement of one Mukesh Kumar. The motorcycle was recovered from the

possession of Mukesh Kumar. The petitioner has two criminal antecedents, in which he is on bail. On these grounds the petitioner seeks to be released on bail.

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

6. Having heard the rival submissions made on behalf of the parties, as well as, the fact that motorcycle bearing registration no. BR-11AS-3557 and chassis no. MBLJAW176L9G20578 was recovered from the possession of Mukesh Kumar and while the seizure list was prepared, he has put his left thumb impression and signature on the confessional statement made in the police custody, in which he named the petitioner to be his associate. The law in this regard is well settled that confessional statement made in the police custody has no evidentiary value in the eye of law. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the

satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 80 of 2024, subject to the condition that he will file an undertaking before the learned District Court that he will not indulge in any crime in the future and one of the bailors shall be a close relative of the petitioner and other condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court 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.

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-
saurabh.kr/-

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