

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59459 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

Neeraj Kumar @ Niraj Kumar, aged about- 22 years, Gender- Male, Son of Kishori Prasad Singh @ Late Kishori Prasad Singh, Resident of Village- Karnauti, Police Station-Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Jay Ram Prasad, learned counsel appearing on behalf of the petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with S. K Puri P.S. Case No. 56 of 2024 registered for the offence punishable under Sections 25(1-B)a/ 26/ 35 of the Arms Act.

3. As per the allegation made in the FIR, in course of raid, which was conducted on the basis of secret information received by the police officials, sophisticated arms and ammunition were recovered from a room of the hostel, namely Sarang Boys Hostel.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner has transpired on the basis of confessional statement made by co-accused persons, namely, Phulchandra Yadav and Kundan Chaudhary, who were arrested on the spot along with the arms as would appear from the seizure list. Confessional statement made in police custody has no evidentiary value in the eye of law. He further submits that the petitioner is a student and to spoil his career, due to enmity, the accused persons named him to be their associate alleging that he was the one, who had purchased the arms. 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 nature of allegation made against the petitioner in the FIR, as well as, the fact that the name of the petitioner has transpired on the basis of confessional statement made by co-accused persons, namely, Phulchandra Yadav and Kundan Chaudhary, who were arrested on the spot, which has no evidentiary value in the eye of law and petitioner has clean antecedent. 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 S.D.J.M., Patna, in connection with S. K Puri P.S. Case No. 56 of 2024, subject to the 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)

Niraj/-

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