

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57435 of 2024

Arising Out of PS. Case No.-354 Year-2023 Thana- CHHATAPUR District- Supaul

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Jitendra Rishidev @ Arbind Rishideo SON OF RAJO RISHIDEV @ RAJU
RISHIDEV VILLAGE- BAIRYAH, SIRSIYA, HANUMANGANJ, WARD
NO. 02, PS- BHARGAMA, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Anish Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-11-2024 Heard Mr. Gopal Kumar Jha, learned counsel

appearing on behalf of the petitioner and Mr. Anish Chandra,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chhatapur P.S. Case No. 354 of 2023 registered for the
offence(s) punishable under Sections 393/398 of the Indian
Penal Code and 25(1-b) a/26/35 of the Arms Act.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioner tried to loot the
motorcycle of the informant and in the said course of incidence,
the informant and the other passer-by overpowered one co-
accused, who was produced before the police, where he
disclosed the name of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that the very allegation made in the FIR, is not sustainable. He further submitted that name of the petitioner surfaced in the present case on the basis of confessional statement of co-accused and confession made before the police has no evidentiary value. Petitioner has no criminal antecedent.

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

6. Considering the nature of allegation that petitioner was not involved in loot of motorcycle of the informant and his name transpired in the present case on the basis of confessional statement of co-accused, I am of the opinion that the 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 arrest or surrender before the learned District Court 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 ACJM-V, Supaul in connection with Chhatapur P.S. Case No. 354 of 2023, subject to the conditions 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 and if it is found that the petitioner is 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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