

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56365 of 2024**

Arising Out of PS. Case No.-17 Year-2024 Thana- UJIYARPUR District- Samastipur

Bihari Das SON OF LATE DAROGI DAS VILLAGE -KHADIYAH PS-
BIBHUTIPUR DISTRICT -SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

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

appearing on behalf of the petitioner and Mr. Dilip Kumar No.

1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Ujiarpur P.S. Case No. 17 of 2024 registered for the
offence(s) punishable under Section 395 of the Indian Penal
Code.

3. As per the allegation made in the FIR, 6-7
miscreants overtook the pickup van of the informant bearing
Registration No.BR01GJ-6399, in which dry fruits and other
eateries were loaded and thereafter on the strength of arms, they
took away the said pickup van along with the materials kept in
it. On the basis of FIR, raid was conducted and recoveries were
made from different co-accused and the seizure list is made part



of the FIR.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and his name has surfaced in the present case on the basis of confessional statement of his son Deepak Kumar who was arrested. Petitioner has clean antecedent and nowhere connected with the accused persons. Similarly situated co-accused namely Dilip Kumar has been granted bail by this Court vide order dated 28.08.2024 passed in Cr. Misc. No. 54273 of 2024.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, from the bare perusal of the FIR, which is against unknown, it would appear that the recovery has been made from co-accused persons and in course of investigation on the basis of confessional statement of one co-accused Deepak Kumar, petitioner's name has come in the present case and confessional statement made before the police has no evidentiary value, 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 arrest or surrender



before the Court below 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 Sub Divisional Judicial Magistrate, Dalsinghsarai, Samastipur in connection with Ujiarpur P.S. Case No. 17 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The 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 Para- 3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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