

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61799 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- BARHARA District- Bhojpur

Rakesh Yadav, aged about 24 years, (male), Son of Jhunu Yadav, Resident of Village- Majhaua, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2024 Heard Mr. Dharendra Singh, learned counsel
appearing on behalf of the petitioner and Mr. Anant Kumar 1,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barhara P.S. Case No. 480 of 2023, registered for the
offence punishable under Sections 414/34 of the Indian Penal
Code.

3. As per the allegation made in the FIR, petitioner
along with other accused persons had allegedly stolen the
motorcycle bearing Chassis No. ME4JC36JMC7278124 and
Engine No. JC36E7425445.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Learned counsel further



submitted that the name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Rahul Yadav, who was arrested on the spot along with the said motorcycle, in police custody and such statement has no evidentiary value in the eye of law. No FIR has been lodged with respect to the theft of the said motorcycle. 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 in the FIR against the petitioner, as well as, the fact that the name of the petitioner has transpired on the basis of confessional statement made by co-accused, namely, Rahul Yadav, who was arrested on the spot along with the stolen motorcycle and the 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 learned District Court 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 C.J.M., Bhojpur, Ara, in connection with Barhara P.S. Case No. 480 of 2023, subject to the 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.

(Purnendu Singh, J)

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