

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79902 of 2024

Arising Out of PS. Case No.-290 Year-2024 Thana- BIHARIGANJ District- Madhepura

Rinku Yadav, Male, aged about 44 years, Son of Sudish Yadav, Resident of
Village- Fatehpur, Ward No.-13, P.S.- Bihariganj District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Manoranjan Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Brajendra Nath
Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bihariganj P.S. Case No. 290 of 2024, registered for the
offence punishable under Sections 303(2) and 351(2) of the
Bharatiya Nyaya Sanhita (B.N.S.).

3. As per the allegation made in the FIR, petitioner
along with other accused persons, had committed theft of
buffalo of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted 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, Rajesh Kumar, in police custody, which has no evidentiary value in the eye of law. 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 rival submissions made on behalf of the parties, as well as, the fact that the name of the petitioner has transpired on the basis of confessional statement made by co-accused, Rajesh Kumar, in police custody, which has no evidentiary value in the eye of law. 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 Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura, in connection with Bihariganj P.S. Case No. 290 of 2024, 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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