

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79933 of 2024**

Arising Out of PS. Case No.-174 Year-2024 Thana- BIHIA District- Bhojpur

Ajay Kumar, S/O Gorakh Yadav, R/O Vill.- Kachaniya, P.S- Jagdishpur, Dist.-  
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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

2      04-12-2024                      Heard Mr. Prabhat Kumar Singh, learned counsel  
appearing on behalf of the petitioner and Mr. Mritunjay Kumar  
Nirala, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Bihiya P.S. Case No. 174 of 2024 registered under Section  
392 of the Indian Penal Code.

3. As per the allegation made in the FIR, four  
unknown persons snatched the informant's mobile, motorcycle  
and five thousand rupees, when he was returning to his house.

4. Learned counsel appearing on behalf of the  
petitioner submitted that petitioner is innocent and he has falsely  
been implicated in the present case. Learned counsel further  
submitted that nothing has been recovered from the possession



of the petitioner. The petitioner has no concern with the alleged occurrence. Learned counsel also submitted that the petitioner's name has been falsely implicated in the present case based on the confessional statement of the other co-accused made in the police custody. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on 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 petitioner is not named in FIR and no recovery has been made from him, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory 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/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – VII, Bhojpur at Ara in connection with Bihiya P.S. Case No. 174 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.)

Ashishsingh/-

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