

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84161 of 2024

Arising Out of PS. Case No.-293 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Aniket Kumar, Male, aged about 28 yrs., son of Subh Narayan Paswan,
resident of village Barkurwa, P.S. Mufasil, District- East Champaran,
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Mr. Rajesh Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Abhay Kumar, learned APP

for the State.

2. The petitioner seeks pre-arrest bail in connection
with Motihari P.S. Case No. 293 of 2021, registered for the
offence punishable under Section 392 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
along with other accused persons had looted money amounting
Rs. 2,09,250/- from 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. Petitioner is not named in
the FIR. Name of the petitioner has transpired on the basis of



confessional statement made by one co-accused Sajan Kumar. Similarly situated co-accused person, namely, Sajan Paswan @ Sahil Paswan, has already been released on bail by this Court vide order dated 13.05.2022 passed in Criminal Miscellaneous No. 68276 of 2021. 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 petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement made by one co-accused Sajan Kumar. Similarly situated co-accused person, namely, Sajan Paswan @ Sahil Paswan, has already been released on bail by this Court vide order dated 13.05.2022 passed in Criminal Miscellaneous No. 68276 of 2021. 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari P.S. Case No. 293 of 2021, 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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