

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84323 of 2024

Arising Out of PS. Case No.-359 Year-2023 Thana- BAHADURPUR District- Patna

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Rahul Singh @ Rahul Singh Rajput, aged 21 Years (Male), S/O Mukesh Kumar Singh, Resident of Village- Alamnagar, Garhi, Ward No-13, P.S. - Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Mr. Sanjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Uday Chand

Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bahadurpur P.S. Case No. 359 of 2023 registered for the
offence punishable under Sections 392 of the Indian Penal
Code.

3. As per the allegation made in the FIR, informant,
who is a cab driver, has alleged that one Avinash Kumar and
some unknown accused persons had tried to snatch the cab of
the informant and at the point of gun, they had snatched Rs.
23,000/- from his pocket.

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 surfaced on the basis of confessional statement made by one co-accused Pappu Tiwary in police custody and such confessional statement has no evidentiary value in the eye of law. Petitioner is a student and is preparing for competitive examination. Similarly situated co-accused, namely, Dinbandhu Kumar @ Dinbandhu Sharma has already been released on pre-arrest bail by this Court vide order dated 11.09.2024 passed in Criminal Miscellaneous No. 59440 of 2024. 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 surfaced on the basis of confessional statement made by one co-accused Pappu Tiwary in police custody and such confessional statement 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 Court below 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 Judicial Magistrate, 1st Class, Patna City, in connection with Bahadurpur P.S. Case No. 359 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below 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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