

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2269 of 2024

Arising Out of PS. Case No.-846 Year-2023 Thana- JAHANABAD District- Jehanabad

Bhuletan @ Girjesh Kumar S/O Suryadev Prasad R/O Vill- Thekraur, Kurtha Bazar, P/S - Makhdumpur Dist Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-01-2024 Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Jehanabad Nagar P.S. Case No. 846 of 2023, registered for the offences punishable under Sections 392 of the Indian Penal Code and Section 27 of Arms Act.

3. It is alleged that while the informant alongwith his brother were going to his village, in the mean time they were intercepted by three miscreants, who were boarding in a Apache motorcycle. It is further alleged that while the miscreants were trying to snatch the valuables, in the meantime the police vehicle came there and having noticed the police vehicle all the miscreants succeeded in fleeing away after leaving his motor cycle.



4. Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation one co-accused Nitish Kumar was apprehended and he disclosed the name of the petitioner and others. He next submitted that apart from the confessional statement made before the police, which has no evidentiary value in terms of section 25/26 of the Indian Evidence Act, there is no other incriminating material. It is also the fact that the FIR clearly disclose that no valuables of the informant and his brother has been looted and, as such, it can be said to be hardly a case under section 392/511 of the Indian Penal Code. Moreover, he submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation of the crime or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the nature of the crime appears to be very serious as the petitioner is found to be indulged in loot.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except confessional statement there is no other materials suggesting the complicity of the petitioner coupled with the fact



that admittedly no valuables have been looted and the petitioner is a man of fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief judicial Magistrate, Jehanabad in connection with Jehnabad Town P.S. Case No. 846 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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