

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47497 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- SAMASTIPUR District- Samastipur

Istakhar @ Md. Istekhar aged about 21 years, male, son of Md. Nausad @
Md. Naushad, Resident of village- Magardahi, Ward No.- 24 (Old), Ward No.
19, P.S- Town, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-07-2025 Heard Mrs. Khushi Awadh, learned counsel
appearing on behalf of the petitioner and Mr. Nawal Kishore
Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Samastipur Town P.S. Case No. 102 of 2025, registered for
the offence punishable under Sections 331(4) and 305 of the
B.N.S.

3. Allegation is of theft of certain articles from the
textile shop 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. FIR is against unknown.
Petitioner has been made accused on the basis of confessional



statement made by co-accused Md. Irfan in police custody, from whose house, stolen articles were recovered and such statement 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 FIR is against unknown. Petitioner has been made accused on the basis of confessional statement made by co-accused Md. Irfan in police custody, from whose house, stolen articles were recovered and such 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 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, Samastipur/ court concerned, in connection with



Samastipur Town P.S. Case No. 102 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

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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