

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65482 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- PANCHRUKHI District- Siwan

Sibu Kumar Dube Son of Prakash Diwedi @ Prakash Dube Resident of
Village - Akolhi, P.S. - Ziradei, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Pachruki P.S. Case No.178. of 2024, registered for the
offences punishable under Sections 379 and 411 of the Indian
Penal Code.

3. As per the prosecution case, the name of the
petitioner has transpired from the extra judicial confession of
apprehended accused persons, from whose possession, total 150
liters of transformer oil was recovered from the dicky of the
Scorpio bearing Registration No. BR-29PA-7387.

4. Learned Advocate appearing on behalf of the
petitioner contended that save and except the confessional
statement of apprehended persons, there is no other material
suggesting the complicity of the petitioner in the crime. Neither



any illicit article has been recovered from the whereabouts of the petitioner nor there are other material. The recovery has been made in the presence of Junior Electric Engineer and it is he, who disclosed about the theft of transformer oil from the transformer, but he has netither made witness to seizure list nor the FIR. The offence as alleged in the FIR do not made out against the petitioner. Moreover the petitioner is a student of B.A. Part-II and pursuing his study from Deen Dayal Upadhyaya Gorakhpur University, Gorakhpur. He lastly contended that infact the name of the petitioner has been implicated in this case only on account of one criminal antecedent of identical nature.

5. On the other hand, learned APP for the State opposed the pre-arrest bail application and submits that the petitioner bears one criminal antecedent and the apprehended person disclosed his name.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is revolving around the confessional statement of the co-accused person, coupled with the fact that petitioner is a student, 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 Judicial Magistrate, Ist Class, Siwan in connection with Pachruki P.S. Case No.178 Of 2024, 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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