

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65424 of 2025

Arising Out of PS. Case No.-129 Year-2023 Thana- ADAPUR District- East Champaran

Chhotu Alam @ Chote Miyan, S/O Jal Mohammad @ Jala Miya @ Jal
Mohmad Miya, Resident of Village- Shyampur Chauk, P.S- Adapur, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kr. Singh, Advocate
Mr. Sumeet Kr. Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-09-2025 Heard Mr. Binod Kr. Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ramesh Chandra,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Adapur P.S. Case No. 129 of 2023, registered for the
offence punishable under Sections 392 of the Indian Penal
Code.

3. As per the allegation made in the FIR, while the
informant was going toward Adapur Railway Station to receive
his uncle and brother, 3 to 4 unknown accused persons,
concealing their face with mask, had assaulted him and had
snatched his Hero Splendor Motorcycle bearing Registration
No. BR05AL1014 and mobile phone.



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. General and omnibus allegation has been levelled against the petitioner. Name of the petitioner has transpired on the basis of confessional statement made by co-accused, namely, Sunny Kumar in course of investigation, which 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 petitioner is not named in the FIR. General and omnibus allegation has been levelled against the petitioner. Name of the petitioner has transpired on the basis of confessional statement made by co-accused, namely, Sunny Kumar in course of investigation, which 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. Learned District Court is directed to verify, as to



whether, Motorcycle bearing Registration No. BR05AL1014 has been recovered from the possession of the petitioner or not and if it is found that the same has not been recovered from the possession of the petitioner, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran, in connection with Adapur P.S. Case No. 129 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS.

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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