

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24400 of 2015

Arising Out of PS.Case No. -255 Year- 2011 Thana -BARUN District- AURANGABAD

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1. Uma Kant Dubey. Son of Late Jagdish Dubey. Resident of village - Jhumar Dihra, P.S.- Barun, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 16.07.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is not named in the first information report but it appears from perusal of the impugned order that one co-accused Kundan Kumar was arrested and from his possession, stolen motorcycle was recovered. The aforesaid co-accused Kundan Kumar confessed his guilt naming the petitioner. Prior to institution of the present case, altogether, nine cases were registered against the petitioner and out of the aforesaid cases, petitioner got acquittal in five cases.

No doubt, criminal antecedent of a person is a vital fact for consideration of bail but mere criminal antecedent is not sufficient to make accused in criminal case and to detain him in jail custody.

In the present case, admittedly, except confessional statement and statements of some persons to this effect that they had

seen the petitioner using stolen motorcycle, there appears to be nothing against the petitioner.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in Barun P.S. Case no. 255/2011.

(Hemant Kumar Srivastava,J)

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