

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27807 of 2015

Arising Out of PS.Case No. -315 Year- 2013 Thana -KOTWALI District- PATNA

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1. Sarvesh Verma Son of Ramdeo Prasad Verma resident of village - Amar Nath, P.S. Jamui, Distt.- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned APP representing the State

The petitioner seeks bail in connection with Kotwali P.S. Case No. 325 of 2013 registered for the offence punishable under Section 392 of the Indian Penal Code.

The petitioner is not named in the FIR, his name transpired in the statement of co-accused Upendra Mandal from whose possession stolen mobile was recovered and he told that the petitioner sold the aforesaid mobile to him and also produced sale letter and the petitioner also confessed his guilt.

Submission is of false implication, he is simply a rickshaw puller and had no concern with the other miscreants, no incriminating article has been recovered from his possession, he is

in custody since 10.04.2015 but he has not been put on test identification parade. Statement of co-accused and confession made before the Police have got no evidentiary value in the eye of law and, as such, he deserves sympathetic consideration to which learned APP does not oppose.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 315 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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