

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38926 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -SHAMBHUGANJ District- BANKA

1. Bihari Yadav S/o Shri Ram Prasad Yadav Resident of Village Pungsiya, Police Station Rajoun, District Banka.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-09-2015

Heard learned counsel for the petitioner Mr. Ajay Mukherjee and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Shambhuganj P. S. Case no. 89 of 2014 registered for offences punishable under Section 392 of the Indian Penal Code.

The prosecution case is on the basis of the written report of the informant, Lalan Bhagat against one Ravindra Yadav and three unknown persons for the alleged robbery committed while the informant alongwith his neighbour Sanjeev Bhagat were returning from Deoghar to their home on motorcycle No. JH 18B-4912 on 30.09.2014. On the way, the miscreants looted their belongings on pistol point. It is alleged that one of the miscreants was apprehended on chase, who disclosed his name as Rabindra Yadav.

It has been submitted by the learned counsel for the

petitioner that the petitioner is innocent and has committed no offence and it is only on the basis of the confessional statement of co-accused, namely, Ravindra Yadav, his name surfaced.

The confessional statement of co-accused has no evidentiary value, as such, the petitioner Bihari Yadav, in case of arrest or surrender within a period of four weeks from today before the Court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Anil Kumar Thakur, learned Judicial Magistrate, 1st class, Banka in connection with Shambuganj P.S.Case No. 89/2014 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

However, since the petitioner is accused in Banka (Barahat) P.S.Case No. 112/2004 under Section 396 I.P.C. and Banka (Barahat) P.S.Case No. 91/2004 under Section 395 I.P.C., if the petitioner is involved in an offence of similar nature in future as aforementioned, the learned court below will be at liberty to cancel his anticipatory bail application without being prejudiced with this order.

(Nilu Agrawal, J)

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