

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37757 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -ROSERA District- SAMASTIPUR

1. Vijay Yadav
2. Santosh Yadav
Both sons of Satya Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bharti
For the Opposite Party/s : Mr. Zainul Abedin (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-04-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with
Rosera P.S. Case No. 89 of 2014 registered for the offences
punishable under Sections 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioners submits that these two
petitioners are not named in the First Information Report with
regard to the theft of pumpset and in the confessional statement
made before the Police by one Bipin Singh, the name of these two
petitioners has surfaced.

Learned counsel for the petitioner submits that petitioner
No. 1 cannot be implicated in the present case on basis of
confessional statement of co-accused made before the Police
which has no evidentiary value. However, it is submitted in the

confessional statement made before the Police by the said Bipin Singh that the pumpset was recovered from the conscious possession of the Santosh Yadav, petitioner No. 2 herein.

Considering the aforementioned facts and circumstances, I am not inclined to grant bail to the petitioner No. 2, it is accordingly rejected.

So far as petitioner No. 1 is concerned, let the petitioner Vijay Yadav, in the event of his arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned A.C.J.M., Rosera, in connection with Rosera P.S. Case No. 89 of 2014 , subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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