

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9653 of 2015

Arising Out of PS.Case No. -382 Year- 2014 Thana -GHORASAHAN District- EAST
CHAMPARAN(MOTIHARI)

=====

1. Rakesh Kumar S/o Brahamdeo Ram

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 12-03-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Ghorasahan (Jitna) P.S. Case No. 382 of 2014 registered for the
offences punishable under Sections 413, 414/34 of the Indian
Penal Code.

It would appear from perusal of the first information
report that a theft was committed at Delhi and after that one
Santosh Kumar was arrested and made his confessional statement
leading to recovery of some pieces of stolen watch and the
aforesaid Santosh Kumar disclosed the name of the petitioner. It
would appear from perusal of the impugned order that
investigation of this case is still going on. No doubt, the

confessional statement of co-accused has got no evidentiary value but the same is relevant for the purpose of investigation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to grant the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Ghorasahan (Jitna) P.S. Case No. 382 of 2014 pending in the court of Shri Sudhir Sinha, Judicial Magistrate 1st Class, Sikarhana at Motihari/concerned court stands rejected.

However, if petitioner surrenders before the concerned court within six weeks from today and seeks regular bail, the prayer for regular bail of the petitioner shall be considered on its own merit without being prejudiced by this rejection order and if it is found that except confessional statement of co-accused, there is no any other material against the petitioner, the concerned court shall pass appropriate order in favour of the petitioner.

(Hemant Kumar Srivastava, J)

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