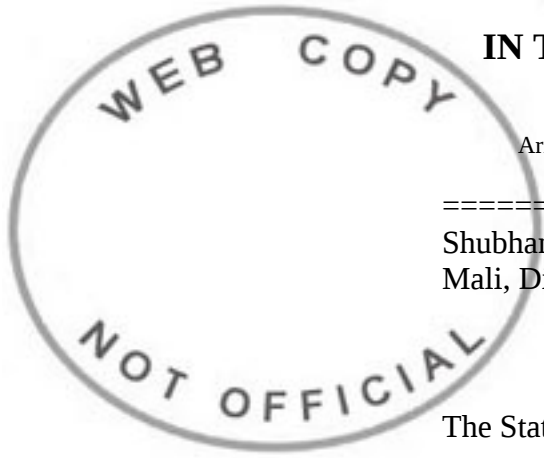




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22615 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

=====

Shubham Kumar S/o Narendra Singh resident of Village - Gamharia, P.S. -
Mali, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. Manish Kumar 2 (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 16-09-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 379 and 411 of the I.P.C.

The motorcycle bearing registration no. BR26F- 2820 of the informant was stolen away when he has parked the same on the road and it is alleged that some day before he had quarreled with Raushan Kumar and Rahul Kumar so it was suspected that they might have committed theft of motorcycle. During investigation the said motorcycle was recovered from possession



of Alok Kumar vide paragraph 32 of the case diary and Alok Kumar confessing his guilt stated the name of co-accused Bhim Singh that Bhim Singh had given the said motorcycle to sale vide paragraph 35 of the case diary and thereafter Himanshu Kumar @ Bhim Singh was arrested and he confessing his guilt stated the name of petitioner also.

Submission is of false implication and that only on the basis of confessional statement by co-accused made before police which has got no evidentiary value in the eye of law is apprehending his arrest. The petitioner has got no criminal antecedent. Co-accused Himanshu Kumar @ Bhim Singh has named the petitioner due to enmity. Nothing has been recovered from house of the petitioner and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. fairly submits that Alok Kumar from whose possession motorcycle has been recovered has not named the petitioner.

In the facts and circumstances as stated above, the petitioner in case of his arrest or surrender within one month from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Aurangabad in Aurangabad (Town) P.S.

Case No. 16 of 2015, subject to the conditions as laid down in
section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--