

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52340 of 2015

Arising Out of PS.Case No. -223 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

1. Dilip Pathak son of Nand Kumar Pathak resident of Village Sri Rampur,
Police Station - Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-12-2015

Heard learned counsel for the petitioner and learned A.

P.P. for the State.

The petitioner apprehends his arrest in connection with
Gandhi Maidan P.S. Case No. 223 of 2014 registered for offences
punishable under Section 379 of the Indian Penal Code.

The prosecution case is that the informant, who is
owner of the shop alleged that one bundle aluminium sheets, value
Rs. 13,000/- was missing from his shop. It is alleged that his staff
Dilip Pathak and Vikrant Kumar and one Manjar Yadav are
responsible for the missing of aluminium bundle. It is further
alleged that accused Manjar Yadav disclosed to informant that at
the instance of two staffs namely, Dilip Pathak and Vikrant
Kumar he had carried aluminium bundle to the shop of M/S
Gupta Aluminium Decorator.

It has been submitted by the learned counsel for the
petitioner on the confessional statement of Manjar Yadav, who

stated that the petitioner and to accused Vikrant Kumar asked him to remove the aluminium sheets on the assurance that he would get commission. The name of the petitioner transpired on the confessional statement of accused Manjar Yadav and confessional statement of co-accused has no evidentiary value in the eye of law.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent as is evident from para-3 of the petition.

The learned counsel for the petitioner undertakes to deposit 50% of the value of the Aluminum sheets, amounting to Rs. 6,500/- within a month to the informant.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs, 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna in connection with Gandhi Maidan P. S. Case No. 223/2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

Sudha/-

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